United Nations A/HRC/RES/36/18

General Assembly

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3 October 2017

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Human Rights Council
Thirty-sixth session
11–29 September 2017
Agenda item 3

Resolution adopted by the Human Rights Council on 29 September 2017

36/18. Conscientious objection to military service

The Human Rights Council,

Bearing in mind that everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming that it is recognized in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights that everyone has the right to life, liberty and security of person, as well as the right to freedom of thought, conscience and religion and the right not to be discriminated against,

Recalling all previous relevant resolutions and decisions, including Human Rights Council resolutions 20/2 of 5 July 2012 and 24/17 of 27 September 2013 and Commission on Human Rights resolutions 1998/77 of 22 April 1998 and 2004/35 of 19 April 2004, in which the Commission recognized the right of everyone to have conscientious objection to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, as laid down in article 18 of the Universal Declaration of Human Rights, article 18 of the International Covenant on Civil and Political Rights and Human Rights Committee general comment No. 22 (1993) on the right to freedom of thought, conscience and religion,

1. *Takes note* of the analytical report on conscientious objection to military service presented by the Office of the United Nations High Commissioner for Human Rights to the Human Rights Council at its thirty-fifth session,[1] pursuant to resolution 20/2;

2. *Requests* the Office of the High Commissioner to prepare, in consultation with all States and the relevant intergovernmental organizations, United Nations agencies, funds and programmes, special procedures, treaty bodies, national human rights institutions and non-governmental organizations, a report on different approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to

[1] A/HRC/35/4.

military service in accordance with human rights standards, and to present the report to the Human Rights Council at its forty-first session;

3. *Decides* to continue consideration of this matter under the same agenda item in accordance with its annual programme of work.

40th meeting
29 September 2017

[Adopted without a vote.]

United Nations A/HRC/RES/36/19

General Assembly

Distr.: General
4 October 2017

Original: English

Human Rights Council
Thirty-sixth session
11–29 September 2017
Agenda item 4

Resolution adopted by the Human Rights Council on 29 September 2017

36/19. Renewal of the mandate of the Commission of Inquiry on Burundi

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007,

Recalling further Human Rights Council resolutions 30/27 of 2 October 2015, S-24/1 of 17 December 2015 and 33/24 of 30 September 2016,

1. *Expresses concern* about the findings of the Commission of Inquiry on Burundi;

2. *Requests* the Commission of Inquiry on Burundi to present its report,[1] including any necessary follow-up action, to the General Assembly at its seventy-second session;

3. *Recommends* that the General Assembly submit the report of the Commission of Inquiry on Burundi to all relevant United Nations bodies for consideration and appropriate action;

4. *Decides* to extend for a period of one year the mandate of the Commission of Inquiry on Burundi, and requests the Commission to present an oral briefing to the Human Rights Council at its thirty-seventh and thirty-eighth sessions, and a final report during an interactive dialogue at its thirty-ninth session and at the seventy-third session of the General Assembly;

[1] A/HRC/36/54.

5. *Urges* the Government of Burundi to cooperate fully with the Commission of Inquiry on Burundi, to authorize it to conduct visits to the country and to provide it with all the information necessary to fulfil its mandate;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide all the resources necessary to the Commission of Inquiry on Burundi to allow it to fulfil its mandate;

7. *Decides* to remain seized of the matter.

40th meeting
29 September 2017

[Adopted by a recorded vote of 22 to 11, with 14 abstentions. The voting was as follows:

In favour:

Albania, Belgium, Botswana, Brazil, Croatia, El Salvador, Georgia, Germany, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Rwanda, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Bolivia (Plurinational State of), Burundi, China, Congo, Cuba, Egypt, Ghana, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of)

Abstaining:

Bangladesh, Côte d'Ivoire, Ecuador, Ethiopia, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Nigeria, Philippines, Qatar, Togo, Tunisia]

United Nations A/HRC/RES/36/20

General Assembly

Distr.: General
9 October 2017

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Human Rights Council
Thirty-sixth session
11-29 September 2017
Agenda item 4

Resolution adopted by the Human Rights Council on 29 September 2017

36/20. The human rights situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous Human Rights Council resolutions on the Syrian Arab Republic,

Reaffirming also its strong commitment to the full respect of the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Demanding that the Syrian authorities meet their responsibility to protect the Syrian population,

Recalling the obligation by parties to the conflict to take all feasible precautions to avoid, and in any event minimize, harm to civilians and civilian objects, including schools and medical facilities as such, and the prohibition on attacking, destroying or rendering useless objects indispensable to the survival of the civilian population, including drinking water installations,

Condemning the grave deterioration of the human rights situation and the indiscriminate or deliberate targeting of civilians as such, in violation of international humanitarian law, and acts of violence that foment sectarian tensions,

Expressing deep concern about the situation of women, children and internally displaced persons, who remain among the most vulnerable to violence,

Reiterating that the only sustainable solution to the current conflict in the Syrian Arab Republic is through an inclusive, Syrian-led and Syrian-owned political process under the auspices of the United Nations, based on the Geneva communiqué of 30 June 2012 as endorsed by the Security Council in its resolutions 2118 (2013) of 27 September 2013, 2254 (2015) of 18 December 2015 and 2268 (2016) of 26 February 2016 and relevant statements of the International Syria Support Group,

Expressing full support for the efforts of the Special Envoy of the Secretary-General for Syria to facilitate an inclusive and Syrian-led process in accordance with the Geneva

communiqué and Security Council resolution 2254 (2015), with a view to establishing credible, inclusive and non-sectarian governance, in accordance with the aforementioned documents, and urging the Special Envoy to continue to push the parties to negotiate a political transition,

Welcoming Security Council resolution 2336 (2016) of 31 December 2016, and supporting the efforts of Turkey and the Russian Federation to reduce levels of violence in the Syrian Arab Republic by helping to establish the ceasefire announced on 29 December 2016,

Supporting all efforts to reduce the violence in the Syrian Arab Republic, taking note in particular of the Astana talks, and hoping that the ongoing initiative to establish de-escalation areas in the Syrian Arab Republic will continue to contribute to a sustained reduction in violence,

Demanding that all parties to the ceasefire in the Syrian Arab Republic fulfil their commitments, and urging all Member States, especially the members of the International Syria Support Group, to use their influence with the parties to ensure fulfilment of the ceasefire and to support efforts to render the ceasefire durable and to end violations, which is essential to achieving a political solution to the conflict in the Syrian Arab Republic and to bringing to an end the systematic, widespread and gross violations and abuses of human rights and violations of international humanitarian law,

Recalling that, pursuant to Security Council resolution 2165 (2014) of 14 July 2014, all Syrian parties to the conflict shall enable the immediate and unhindered delivery of humanitarian assistance, and stressing that the arbitrary denial of humanitarian access, depriving civilians of objects and assistance indispensable to their survival, including wilfully impeding relief supplies, such as food aid and lifesaving medical supplies, may constitute a war crime,

Recalling also the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

Recalling further that deliberate attacks on civilians and civilian objects, such as schools and educational facilities, as well as medical facilities and personnel, may amount to war crimes,

Deeply concerned that attacks upon medical and health personnel, their means of transport and equipment, and hospitals and other medical facilities result in long-lasting consequences, including the loss of life and human suffering, weaken the ability of health systems to deliver essential life-saving services and lead to setbacks for health development,

Expressing its deepest concern about the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic,

Deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Acknowledging the ongoing efforts by human rights defenders active in the Syrian Arab Republic to document violations and abuses of international human rights law and violations of international humanitarian law, despite grave risks,

1. *Calls upon* all Member States, especially members of the International Syria Support Group, to create conditions that foster continued negotiations for a political solution to the Syrian conflict, under the auspices of the United Nations Office at Geneva, by working to strengthen the nationwide ceasefire, to enable full, immediate and safe humanitarian access, and to lead to the release of detainees, as only a durable political

solution to the conflict can bring an end to the systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law;

2. *Welcomes* the work of the Independent International Commission of Inquiry on the Syrian Arab Republic, established by the Human Rights Council in its resolution S-17/1 of 23 August 2011, to investigate all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances and to support efforts to ensure that perpetrators of abuses and violations, including those who may be responsible for crimes against humanity, are held accountable, and notes the importance of the work of the Commission of Inquiry and the information it has collected in support of future accountability efforts, in particular the information on those who have allegedly violated international law;

3. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

4. *Strongly condemns* the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, in particular Hizbullah, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

5. *Also strongly condemns* the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Da'esh), Al-Nusrah Front and other terrorist organizations designated by the Security Council, and their continued gross, systematic and widespread abuses of international human rights law and violations of international humanitarian law, reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Da'esh), cannot and should not be associated with any religion, nationality or civilization, and stresses the importance of the full implementation of Security Council resolution 2170 (2014) of 15 August 2014;

6. *Condemns in the strongest terms* the gross and systematic abuse of women's and children's rights by the so-called Islamic State in Iraq and the Levant (Da'esh), in particular the enslavement and sexual abuse and exploitation of women and girls, enforced disappearances and the forced recruitment and abduction of children;

7. *Condemns* all violations and abuses of international human rights law and all violations of international humanitarian law committed by all parties to the conflict, including against women and children and persons with disabilities;

8. *Urges* all parties to the conflict, particularly the Syrian authorities and their allies, not to commit indiscriminate attacks against the civilian population and civilian facilities, including against medical facilities, personnel and transport, schools and humanitarian workers, and also urges all parties to the conflict to comply with their obligations under international humanitarian law and to respect international human rights law;

9. *Strongly condemns* all attacks on medical and health personnel, their means of transport and equipment, as well as hospitals and other medical facilities, and deplores the long-term consequences of such attacks for the population and health-care systems of the Syrian Arab Republic;

10. *Also strongly condemns* the attacks against hospitals and civilian objects, such as schools, as reported by the Commission of Inquiry,[1] and urges the Syrian authorities to refrain from actions that impede children's access to education, which is of vital importance for their protection and development;

11. *Expresses its profound concern* at the findings of the Commission of Inquiry in its report on Aleppo,[1] including those suggesting that the offensive against eastern Aleppo in the second half of 2016 involved serious violations and abuses of international human rights law and violations of international humanitarian law by all parties to the conflict, which, according to the Commission, in many cases amounted to war crimes, in particular by the Syrian authorities and their allies, including the Urum al-Kubra attack;

12. *Urges* all parties to the conflict to heed the recommendations made by the Commission of Inquiry in its report, including the need to comply with their respective obligations under international human rights and international humanitarian law, including refraining from disproportionate and indiscriminate attacks;

13. *Strongly condemns* the widespread practice of enforced disappearance, arbitrary detention and the use of sexual violence, torture and ill-treatment, especially in detention facilities run by the Syrian authorities, including those acts referenced in the reports of the Commission of Inquiry and those depicted in the evidence presented by "Caesar" in January 2014, and notes that such acts may constitute violations and abuses of international human rights law or violations of international humanitarian law;

14. *Also strongly condemns* the reported killing of detainees in Syrian Military Intelligence facilities, in particular in the Mezzeh airport detention facility, and Military Security Branches 215, 227, 235, 248 and 291, as well as the reported killing of detainees at military hospitals, including Tishreen and Harasta, and expresses deep concern at reports that the regime used a crematorium to conceal a mass killing of prisoners at the Saydnaya penitentiary complex;

15. *Calls upon* the Syrian authorities and all other parties to the conflict to ensure the effective implementation of Security Council resolutions 2139 (2014) of 22 February 2014 and 2254 (2015), and, in particular, to end the arbitrary detention and torture of civilians in the Syrian Arab Republic, notably in prisons and detention facilities, as well as kidnappings, abductions and forced disappearances, as demanded by the Council in its resolution 2139 (2014);

16. *Condemns* the denial of medical services in all prisons and detention facilities;

17. *Recognizes* the permanent damage that torture and ill-treatment, including sexual abuse and violence, causes to its victims and their families;

18. *Calls for* the appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees, and for the Syrian authorities to publish a list of all detention facilities;

19. *Calls upon* all parties to the conflict to cease the mistreatment and torture of detainees and to allow access to medical services for all detainees;

20. *Demands* the immediate release of all persons arbitrarily detained, including women, children, human rights defenders, humanitarian aid providers, medical personnel and journalists;

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[1] See A/HRC/34/64 and A/HRC/34/CRP.3.

21. *Recalls* the decision of the Security Council that the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to other States or non-State actors,[2] and, in keeping with the decision of the Council, expresses its strong conviction that those individuals responsible for the use of chemical weapons in the Syrian Arab Republic should be held accountable;

22. *Expresses grave concern* at the use of sarin in Khan Shaykhun on 4 April 2017, resulting in approximately 100 fatalities, and the use of sulphur mustard in Umm Hawsh on 16 September 2016, as concluded by the Organisation for the Prohibition of Chemical Weapons, and looks forward to the results of the investigations into these incidents by the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism;

23. *Recalls with grave concern* the report of the Commission of Inquiry identifying the Syrian air force as responsible for the sarin gas attack on Khan Shaykhun on 4 April 2017;[3]

24. *Expresses grave concern* at the reports of the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons of July 2016, March 2017 and July 2017, according to which the Technical Secretariat was not able to verify that the Syrian declaration regarding its chemical weapons programme was accurate and complete, and calls upon the Syrian Arab Republic to cooperate fully with the Organisation to further clarify remaining gaps, inconsistencies and discrepancies in its declaration;

25. *Recalls* the reports of the Joint Investigative Mechanism of 24 August and 21 October 2016,[4] and expresses grave concern at its findings that the Syrian armed forces were responsible for the use of chemical weapons (chlorine) in three attacks in the Syrian Arab Republic — in Tallmanns in 2014 and in Qaminas and Sarmin in 2015 — and that the so-called Islamic State in Iraq and the Levant (Da'esh) was responsible for one sulphur mustard attack in the Syrian Arab Republic, in Marea in 2015;

26. *Condemns in the strongest possible terms* the use of chemical weapons in the Syrian Arab Republic, as reported by the Joint Investigative Mechanism, which violates the Chemical Weapons Convention, Security Council resolution 2118 (2013), and the decisions of the Executive Council of the Organisation, including decision EC-M-33/DEC.1, as well as the use of chemical weapons in contravention of well-established international standards and norms against such use, and expresses its strong conviction that those individuals responsible for the use of chemical weapons must be held accountable;

27. *Demands* that all parties identified in the reports of the Joint Investigative Mechanism as having been involved in the use of toxic chemicals as weapons desist immediately from any further use;

28. *Strongly condemns* the use of starvation of civilians as a method of combat, and all besiegement directed against civilian populations;

29. *Condemns* the reported forced displacement of populations in the Syrian Arab Republic and its alarming impact on the demography of the country, and calls upon all parties concerned to cease immediately all activities that cause these actions, including any activities that may amount to war crimes and crimes against humanity;

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[2] See Security Council resolution 2235 (2015).

[3] See A/HRC/36/55.

[4] See S/2016/738/Rev.1 and S/2016/888.

30. *Also condemns* the Syrian authorities' indiscriminate use of heavy weapons and aerial bombardments, including cluster munitions, incendiary weapons, ballistic missiles and barrel bombs, and calls for an immediate end to all attacks against medical facilities and personnel, and civilians and civilian infrastructure, including civilian transportation and educational facilities;

31. *Stresses* the need to promote accountability for those responsible for the unlawful killings of civilians, and also stresses the importance of holding to account those responsible for all violations of international humanitarian law and all violations and abuses of international human rights law;

32. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation, including the indiscriminate use of car and suicide bombs, snipers and hostage-taking;

33. *Demands* that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities;

34. *Strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, in particular the destruction of the cultural heritage in Palmyra and Aleppo and the organized looting and trafficking of Syrian cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015;

35. *Affirms* that attacks intentionally directed against historic monuments may amount to war crimes, and underlines the need to bring the perpetrators of such crimes to justice;

36. *Calls upon* the international community to support the leadership and full and meaningful participation of women in all efforts, including decision-making, with the aim of finding a political solution to the conflict in the Syrian Arab Republic, as envisaged by the Security Council in its resolutions 1325 (2000) of 31 October 2000, 2122 (2013) of 18 October 2013, 2254 (2015), 2268 (2016), 2332 (2016) of 21 December 2016 and 2336 (2016), and welcomes the participation of the Women's Advisory Board and civil society in the United Nations-led talks in order to ensure that all resulting peacebuilding efforts are gender-responsive and consider the differential impact of conflict on women and girls, and their specific needs and interests;

37. *Recalls* that the International Criminal Court was established to help to end impunity for applicable crimes in which the State is unwilling or unable to genuinely carry out investigations or prosecutions;

38. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of international human rights law are held to account through appropriate, fair and independent national, regional or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal, noting the important role that the International Criminal Court can play in this regard;

39. *Welcomes* the establishment of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 by the General Assembly in its resolution 71/248 of 21 December 2016, and the recent appointment of the Head of the Mechanism, and stresses its mandate to cooperate closely with the Commission of Inquiry in all aspects of its work;

40. *Invites* Member States to support actively the International, Impartial and Independent Mechanism, including by considering the provision of information and data on the most serious crimes under international law committed in the Syrian Arab Republic, and to provide adequate financial means for its functioning;

41. *Reaffirms* that, in the context of an inclusive and credible dialogue, the Syrian people should determine the appropriate process and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, and reparations and effective remedies for victims;

42. *Emphasizes* that all efforts to bring a peaceful conclusion to the ongoing conflict in the Syrian Arab Republic must fully reflect the importance of ensuring accountability for the crimes committed in the country as a prerequisite to bringing about reconciliation and sustainable peace;

43. *Expresses deep concern* for the more than 6 million internally displaced persons and 5.1 million refugees i.. the region fleeing the violence in the Syrian Arab Republic, welcomes the efforts of neighbouring countries to host Syrian refugees, and acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries;

44. *Deplores* the deteriorating humanitarian situation in the Syrian Arab Republic, and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

45. *Expresses deep concern* at the plight of the approximately 4.5 million Syrians living in besieged and hard-to-reach areas in the Syrian Arab Republic, whose needs are particularly acute and who require full, immediate and safe humanitarian access;

46. *Demands* that the Syrian authorities facilitate, and all other parties to the conflict do not hinder, the full, immediate and safe access of the United Nations and humanitarian actors, and that they ensure that the delivery of humanitarian aid reaches all those in need, including in hard-to-reach and besieged areas, in accordance with Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014) of 17 December 2014, 2254 (2015), 2258 (2015) of 22 December 2015 and 2268 (2016), and calls upon Member States to fully fund the United Nations appeals;

47. *Strongly condemns* the Syrian authorities' removal of humanitarian aid from United Nations approved convoys, including medical aid and supplies intended to reach desperate populations deprived of food, medical aid and vital necessities;

48. *Welcomes* the progress made since 2013 by the international conferences on supporting the Syrian Arab Republic and the region in Kuwait City and London, and the follow-up conference in Brussels on 5 April 2017 hosted by the European Union, the United Kingdom of Great Britain and Northern Ireland, Kuwait, Qatar, Germany, Norway and the United Nations, which reaffirmed international support for the United Nations-led intra-Syrian talks in Geneva, secured pledges totalling 6 billion United States dollars for 2017 and 3.7 billion dollars for 2018-2020 for humanitarian needs in the Syrian Arab Republic and the region, renewed commitment to supporting the resilience of host communities and refugees in Jordan, Lebanon, Turkey, Egypt and Iraq, and underlined the need to protect civilians and respect international human rights law and international humanitarian law;

49. *Renews* its call upon all members of the international community to respond expeditiously to the Syrian 2017 humanitarian appeals and to deliver in full all pledges, including multi-year pledges, made at the Brussels conference;

50. *Notes* those countries outside the region that have put in place measures and policies to assist and to host Syrian refugees, and encourages them to do more, and also encourages other States outside the region to consider implementing similar measures and policies, also with a view to providing Syrian refugees with protection and humanitarian assistance;

51. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, and urges the parties to the conflict to abstain from actions that may contribute to the continuing deterioration of the human rights, security and humanitarian situations in order to reach a genuine political transition, based on the Geneva communiqué, consistent with Security Council resolutions 2254 (2015) and 2268 (2016), that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, in which all citizens receive equal protection regardless of gender, religion or ethnicity;

52. *Demands* that all parties work urgently towards the comprehensive implementation of the Geneva communiqué, including through the establishment of an inclusive transitional governing body with full executive powers, which shall be formed on the basis of mutual consent while ensuring the continuity of governmental institutions;

53. *Expresses deep concern* at the Commission of Inquiry's conclusion that children throughout the Syrian Arab Republic remain disproportionately vulnerable to violence and abuse, and that children suffer as a consequence of attacks against civilians, lack of access to education and their recruitment for use as child soldiers;

54. *Decides* to convene a high-level panel discussion on violations of the human rights of children in the Syrian Arab Republic at the thirty-seventh session of the Human Rights Council, in consultation with the Commission of Inquiry, with a specific focus on attacks against children, including attacks on schools and hospitals and denial of humanitarian access, featuring witness testimony and Syrian voices, including children's views through appropriate and safe means, and requests the Office of the United Nations High Commissioner for Human Rights to liaise with States and all stakeholders, including relevant United Nations agencies, funds and programmes, special procedures of the Council, national human rights institutions and civil society, with a view to ensuring their participation in the panel discussion;

55. *Requests* the Office of the High Commissioner to prepare a summary report on the high-level panel discussion, to be presented to the Human Rights Council at its thirty-eighth session;

56. *Decides* to remain seized of the matter.

40th meeting
29 September 2017

[Adopted by a recorded vote of 27 to 7, with 13 abstentions. The voting was as follows:

In favour:

Albania, Belgium, Botswana, Brazil, Côte d'Ivoire, Croatia, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Netherlands, Panama, Paraguay, Portugal, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Slovenia, Switzerland, Togo, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Bolivia (Plurinational State of), Burundi, China, Cuba, Iraq, Philippines, Venezuela (Bolivarian Republic of)

Abstaining:

Bangladesh, Congo, Ecuador, Egypt, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Mongolia, Nigeria, South Africa, Tunisia]

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Human Rights Council
Thirty-sixth session
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Agenda item 5

Resolution adopted by the Human Rights Council on 29 September 2017

36/21. Cooperation with the United Nations, its representatives and mechanisms in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2 on the Code of Conduct for Special Procedures Mandate Holders of the Human Rights Council, of 18 June 2007,

Recalling also General Assembly resolution 65/281 of 17 June 2011, in which the Assembly adopted the text entitled "Outcome of the review of the work and functioning of the Human Rights Council", and in particular paragraph 30 of the outcome document, in which the Human Rights Council strongly rejected any act of intimidation or reprisal against individuals and groups who cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, and urged States to prevent and ensure adequate protection against such acts,

Recalling further all previous Human Rights Council resolutions and decisions on this topic,

Taking note with appreciation of the reports of the Secretary-General on this question, and in particular noting with concern the worsening incidence, severity and scope of cases of intimidation and reprisal against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations,

Reiterating that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue, and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all people,

Welcoming the designation of the Assistant Secretary-General for Human Rights by the Secretary-General as senior official to lead the efforts within the United Nations system

to address acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations on human rights,

Welcoming also the different roles of the Secretary-General, the United Nations High Commissioner for Human Rights and the President of the Human Rights Council in supporting cooperation with the United Nations, its representatives and mechanisms in the field of human rights, and in that context addressing, as appropriate, including in a public manner, acts of intimidation or reprisal against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations in this regard,

Noting with appreciation the work done by the special procedures, including the development of standard operating procedures on the topic and the appointment of a focal point on the matter by members of the Coordination Committee of Special Procedures, and the inclusion of a dedicated section on reprisals in the annual report of special procedures presented to the Human Rights Council at every March session, as well as the increased attention given by treaty bodies to preventing and addressing acts of intimidation or reprisal, in particular by the adoption and implementation of specific guidelines and the appointment by a number of treaty bodies of a rapporteur on reprisals,

Noting with appreciation also the role that regional mechanisms can play, where appropriate, in preventing and addressing acts of intimidation or reprisal, in particular the appointment by the African Commission on Human and Peoples' Rights of a focal point on reprisals,

Reiterating that all States Members of the United Nations, and in particular the States Members of the Human Rights Council, should fully cooperate with the Council and its mechanisms, and affirming that failure to take steps to prevent, investigate and ensure accountability for acts of intimidation or reprisal may be inconsistent with this commitment,

Expressing serious concern at the continued reports of acts of intimidation and reprisal against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, and at the seriousness of reported reprisals, including violations of the right of the victim to life, liberty and security of person, and violations of obligations under international law prohibiting torture and cruel, inhuman or degrading treatment,

Acknowledging that acts of intimidation or reprisal carried out or tolerated by the State undermine and often violate human rights, and underscoring that States should investigate any alleged act of intimidation or reprisal, ensure accountability and effective remedies and take steps to prevent further acts of intimidation or reprisal,

Recalling the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and underlining the role that national human rights institutions can play in preventing and addressing cases of intimidation or reprisal as part of supporting cooperation between their Governments and the United Nations in the promotion of human rights, including by contributing to the prevention of such cases and to follow up actions, as appropriate, to recommendations made by international human rights mechanisms,

Recognizing the work done by the United Nations, including the Office of the United Nations High Commissioner for Human Rights, in examining, verifying and corroborating allegations of acts of intimidation or reprisal, and encouraging it to continue its work in this regard, while underlining the primary importance of continuous constructive dialogue and cooperation with and by the State concerned,

1. *Reaffirms* the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, in particular the

United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and treaty bodies, as well as regional human rights mechanisms, bearing in mind that free and unhindered access to and communication with individuals and civil society are indeed indispensable to enable the United Nations and its mechanisms to fulfil their mandates;

2. *Condemns* all acts of intimidation or reprisal by States and non-State actors against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights;

3. *Urges* all States to prevent and refrain from all acts of intimidation or reprisal against those who:

(*a*) Seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them;

(*b*) Avail or have availed themselves of procedures established under the auspices of the United Nations for the protection of human rights and fundamental freedoms, and all those who have provided legal or other assistance to them for this purpose;

(*c*) Submit or have submitted communications under procedures established by human rights instruments, and all those who have provided legal or other assistance to them for this purpose;

(*d*) Are relatives of victims of human rights violations or of those who have provided legal or other assistance to victims;

4. *Urges* States to take all appropriate measures to prevent the occurrence of acts of intimidation or reprisal, including, where necessary, by adopting and consequently implementing specific legislation and policies in order to effectively protect those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights from any act of intimidation or reprisal;

5. *Also urges* States to ensure accountability for any act of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights by ensuring impartial, prompt and thorough investigations of any alleged act of intimidation or reprisal in order to bring the perpetrators to justice; to provide access to effective remedies for victims in accordance with their international human rights obligations and commitments; and to prevent any recurrence;

6. *Welcomes* the efforts made by States to investigate allegations of intimidation or reprisal and to bring perpetrators to justice, and encourages States to continue such efforts;

7. *Encourages* States to provide information, as appropriate, to the Human Rights Council on all measures taken by them to prevent and address acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, including on cases mentioned in the reports of the Secretary-General;

8. *Stresses* that information provided by all stakeholders, including civil society, to the United Nations and its representatives and mechanisms in the field of human rights should be credible and reliable, and must be thoroughly checked and corroborated;

9. *Notes* the important work done by the Assistant Secretary-General for Human Rights in relation to the mandate assigned to him by the Secretary-General in October 2016,

and in this regard calls upon all States and invites international and regional organizations, human rights mechanisms, such as the special procedures and the treaty bodies, United Nations agencies and bodies, national human rights institutions, civil society and academic institutions to contribute to the fulfilment of these tasks;

10. *Reiterates* its strong rejection of any act of intimidation or reprisal against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, and recalls in this regard that the Human Rights Council, its President and the Bureau should address allegations of acts of intimidation or reprisal in the most appropriate way;

11. *Notes* that the Presidents of the Human Rights Council have used their good offices to address allegations of intimidation and reprisal experienced by those engaging with the Council, and encourages the Presidents of the Council to continue to address allegations of intimidation and reprisal and to provide information on cases brought to their attention at each session of the Council;

12. *Invites* United Nations human rights mechanisms to continue to include in their reports to the Human Rights Council and to the General Assembly respectively a reference to credible allegations of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, while providing an appropriate opportunity to the State concerned to respond to the allegations transmitted to them, and to reflect the State's response in their reports;

13. *Decides* that the presentation of the report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights will be followed by an interactive dialogue with a view to ensuring adequate attention to the report and to sharing good practices, challenges and lessons learned, based on the principles of cooperation and genuine dialogue, and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all people.

41st meeting
29 September 2017

[Adopted by a recorded vote of 28 to 0, with 19 abstentions. The voting was as follows:

In favour:

Albania, Belgium, Botswana, Brazil, Congo, Côte d'Ivoire, Croatia, Ecuador, El Salvador, Georgia, Germany, Ghana, Hungary, Iraq, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Rwanda, Slovenia, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Bangladesh, Bolivia (Plurinational State of), Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Nigeria, Philippines, Qatar, Saudi Arabia, South Africa, Togo, United Arab Emirates, Venezuela (Bolivarian Republic of)]

General Assembly

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9 October 2017

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Human Rights Council
Thirty-sixth session
11–29 September 2017
Agenda item 5

Resolution adopted by the Human Rights Council on 29 September 2017

36/22. Promotion and protection of the human rights of peasants and other people working in rural areas

The Human Rights Council,

Recalling the Universal Declaration of Human Rights,

Determined to foster strict respect for the purposes and principles enshrined in the Charter of the United Nations,

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Recalling also the Vienna Declaration and Programme of Action and all other relevant human rights instruments,

Recalling further Human Rights Council resolutions 13/4 of 24 March 2010, 16/27 of 25 March 2011 and 19/7 of 22 March 2012 on the right to food, and in particular Council resolutions 21/19 of 27 September 2012, 26/26 of 27 June 2014 and 30/13 of 1 October 2015 on the promotion and protection of the human rights of peasants and other people working in rural areas,

Underlining the imperative need to achieve the unfinished agenda of the Millennium Development Goals in order to contribute to making the right to development a reality for everyone, and welcoming the 2030 Agenda for Sustainable Development,

Welcoming General Assembly resolution 66/222 of 22 December 2011, in which the Assembly declared 2014 the International Year of Family Farming, and welcoming also its resolution 68/232 of 20 December 2013, in which the Assembly declared 2015 the International Year of Soils, and its resolution 68/231 of 20 December 2013, in which it declared 2016 the International Year of Pulses,

Taking note of general recommendation No. 34 (2016) on the rights of rural women, adopted by the Committee on the Elimination of Discrimination against Women in March 2016,

Recognizing the important contribution of peasants and other people working in rural areas to the fight against hunger and the preservation and improvement of biodiversity, among others, and the need to respect, promote, protect and fulfil their human rights,

Gravely concerned that hunger, like poverty, is still predominantly a rural problem, and that in the rural population it is those who produce food who suffer disproportionately, and alarmed that 75 per cent of people suffering from hunger live in rural areas, particularly in developing countries, and 50 per cent are small-scale and traditional farm holders, as well as subsistence farmers, and that they are especially vulnerable to food insecurity, malnutrition, discrimination and exploitation,

Recognizing that livelihoods in rural areas are disproportionately affected by poverty, climate change, lack of development and lack of access to scientific progress,

Recognizing also that peasants and other people working in rural areas are often disproportionally affected by the adverse impact of business activities,

Convinced of the need to strengthen the protection and realization of the human rights of peasants and other people working in rural areas,

Welcoming the reports of the open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas on its third and fourth sessions,[1] held from 17 to 20 May 2016, and from 15 to 19 May 2017, respectively, pursuant to Human Rights Council resolutions 21/19, 26/26 and 30/13, and welcoming the constructive negotiations, broad participation and active engagement of Governments, regional and political groups, civil society, experts, international organizations and intergovernmental organizations and relevant stakeholders, particularly representatives of peasants and other people working in rural areas,

Bearing in mind the development of this issue,

1. *Decides* that the open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas shall hold its fifth annual session for five working days before the thirty-eighth session of the Human Rights Council, in accordance with its mandate, to negotiate, finalize and submit to the Council a draft United Nations declaration on the rights of peasants and other people working in rural areas;

2. *Also decides* that the updated version of the draft declaration that will be presented by the Chair-Rapporteur of the working group at its fifth session, taking into consideration the report of the Chair-Rapporteur on the fourth session, and the version of the draft declaration resulting from the fifth session will be translated into all official languages of the United Nations;

3. *Requests* the Chair-Rapporteur of the working group to conduct informal consultations during the intersessional periods, as appropriate, with Governments, relevant special procedures of the Human Rights Council, regional groups, intergovernmental organizations, United Nations mechanisms, civil society and representatives of peasants and other people working in rural areas, as well as with other relevant stakeholders and other relevant specialized agencies of the United Nations system;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to ensure the participation in the fifth session of the working group of up to five expert panellists, including representatives of peasants and other people working in rural

[1] A/HRC/33/59 and A/HRC/36/51.

areas, civil society and grass-roots organizations from developing countries, in order to contribute to the analysis and interactive dialogues;

5. *Requests* the Secretariat to provide the working group with the human, technical and financial assistance necessary for it to fulfil its mandate, including by providing interpretation for one informal intersessional consultation, and a webcast for the fifth session of the working group;

6. *Invites* States, civil society and all relevant stakeholders, in particular representatives of peasants and other people working in rural areas, to contribute actively and constructively to the work of the working group;

7. *Requests* the working group to submit an annual report on progress made to the Human Rights Council and the General Assembly for their consideration.

41st meeting
29 September 2017

[Adopted by a recorded vote of 34 to 2, with 11 abstentions. The voting was as follows:

In favour:

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, Philippines, Portugal, Qatar, Rwanda, Saudi Arabia, South Africa, Switzerland, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Albania, Belgium, Croatia, Georgia, Germany, Hungary, Japan, Latvia, Netherlands, Republic of Korea, Slovenia]

United Nations A/HRC/RES/36/23

General Assembly

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9 October 2017

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Human Rights Council
Thirty-sixth session
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Agenda item 9

Resolution adopted by the Human Rights Council on 29 September 2017

36/23. Mandate of the Working Group of Experts on People of African Descent

The Human Rights Council,

Recalling General Assembly resolution 56/266 of 27 March 2002, in which the Assembly endorsed the Durban Declaration and Programme of Action, reaffirming the commitments contained therein with regard to people of African descent; Assembly resolution 57/195 of 18 December 2002, in which the Assembly invited all relevant organs, organizations and bodies of the United Nations system to become involved in the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance; and all previous Human Rights Council resolutions on the comprehensive follow-up to the World Conference and the effective implementation of the Durban Declaration and Programme of Action,

Recalling also all previous resolutions and decisions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the elimination of racism, racial discrimination, xenophobia and related intolerance, in particular Commission resolutions 2002/68 of 25 April 2002 and 2003/30 of 23 April 2003, and Council resolutions 9/14 of 18 September 2008, 18/28 of 17 October 2011 and 27/25 of 26 September 2014 on the mandate of the Working Group of Experts on People of African Descent,

Reaffirming the obligations of States under relevant international human rights instruments, in particular the International Convention on the Elimination of All Forms of Racial Discrimination adopted by the General Assembly in its resolution 2106 (XX) of 21 December 1965,

Underlining that the Durban Declaration and Programme of Action, adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, remains the only instructive outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance that prescribes comprehensive measures and remedies for the effective combating of all the scourges of racism at all levels,

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Recalling Human Rights Council resolution 5/1, on institution-building of the Council, and resolutions 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Alarmed at the resurgent violent manifestations of racism, racial discrimination, xenophobia and related intolerance precipitated by scientifically false, morally condemnable, socially unjust and dangerous ideologies, such as white supremacy, as well as by extremist nationalist and populist ideologies, and underlining in this respect that human beings are born free and equal in dignity and rights and that everyone has the right to life, liberty and security of person,

Stressing the imperative need for the Working Group of Experts on People of African Descent to accomplish its mandate,

1. *Decides* to extend the mandate of the Working Group of Experts on People of African Descent for a further period of three years, in accordance with the terms of reference contained in Human Rights Council resolution 9/14;

2. *Also decides* that the Working Group shall undertake a minimum of two country visits per year;

3. *Requests* all Governments to cooperate fully with the Working Group in the discharge of its mandate, including by responding promptly to the Working Group's communications and by providing the information requested;

4. *Requests* the Working Group to submit an annual report to the Human Rights Council on all activities relating to its mandate, and to the General Assembly in the context of the International Decade for People of African Descent;

5. *Also requests* the Working Group to pay special attention in its annual report to the rising tide of racism and racial hatred, as evidenced by the resurgence of white supremacist ideologies, and extremist nationalist and populist ideologies, and to make specific recommendations in this regard;

6. *Requests* States, non-governmental organizations, relevant human rights treaty bodies, special procedures and other mechanisms of the Human Rights Council, and national human rights institutions, international financial and development institutions, and specialized agencies, programmes and funds of the United Nations to collaborate with the Working Group, including by, inter alia, providing it with the necessary information and, where possible, reports in order to enable the Working Group to carry out its mandate, including with regard to field missions;

7. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the human, technical and financial assistance necessary for the sustainable and effective fulfilment of its mandate;

8. *Recalls* the establishment of a voluntary fund to provide additional resources for, inter alia, the participation of people of African descent, representatives of developing countries, especially the least developed countries, non-governmental organizations and experts in the open-ended sessions of the Working Group, and invites States to contribute to that fund;

9. *Decides* to remain seized of this important issue.

42nd meeting
29 September 2017

[Adopted without a vote.]

United Nations A/HRC/RES/36/24

General Assembly

Distr.: General
9 October 2017

Original: English

Human Rights Council
Thirty-sixth session
11–29 September 2017
Agenda item 9

Resolution adopted by the Human Rights Council on 29 September 2017

36/24. From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance

The Human Rights Council,

Recalling all its previous resolutions on the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action,

Recalling also the General Assembly resolutions in this regard, and the imperative need for their full and effective implementation,

Emphasizing the primacy of the International Convention on the Elimination of All Forms of Racial Discrimination as a principal international instrument to combat all the scourges of racism, and in this regard noting with concern that the commitment made at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to achieve universal ratification of this primary instrument by 2005 was regrettably not fulfilled, and underlining the imperative need to elaborate complementary international standards as instructed by paragraph 199 of the Durban Declaration and Programme of Action,

Concerned that many years have lapsed since the adoption of the Durban Declaration and Programme of Action, and regretting in this regard that its objectives have not been met,

Concerned also, in the above context, at the increasing incidents of racially motivated hatred in all its forms and manifestations, some of which have taken violent forms with concomitant racial profiling,

Underlining the importance of removing legal obstacles and eliminating discriminatory practices that hamper individuals and groups, in particular people of African descent, from participating fully in the public and political life of the countries in which they live, including the lack of the exercise of their full citizenship rights,

Noting with appreciation the annual observance in Geneva of the International Day of Remembrance of the Victims of Transatlantic Slavery and the Slave Trade, and the support expressed at its commemoration in 2017 for the establishment at the United Nations Office at Geneva of a memorial to the victims of slavery and the transatlantic slave trade,

1. *Underscores* the importance of political will and commitment to eliminate all forms of racism, racial discrimination, xenophobia and related intolerance;

2. *Underlines* the imperative need for the full and effective implementation of the Durban Declaration and Programme of Action as the only instructive outcome document of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance for the combating of all the scourges of racism, including its contemporary and resurgent forms, some of which have regrettably taken violent forms;

3. *Alarmed* at the resurgent violent manifestations of racism, racial discrimination, xenophobia and related intolerance precipitated by scientifically false, morally condemnable, socially unjust and dangerous ideologies, such as white supremacy, as well as by extremist nationalist and populist ideologies, and underlines in this respect that human beings are born free and equal in dignity and rights and that everyone has the right to life, liberty and security of person;

4. *Encourages* States to make the requisite declaration in accordance with article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within their jurisdiction under its complaints procedure;

5. *Welcomes* paragraph 5 of General Assembly resolution 71/181 of 19 December 2016, and to this end directs the Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination to commence, at its tenth session, its elaboration of a draft additional protocol to the Convention criminalizing acts of a racist and xenophobic nature;

6. *Deplores* the ongoing use of social media platforms to incite hatred and violence against migrants, refugees and asylum seekers, and calls upon States to prohibit by law any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, including that propagated by information and communications technology;

7. *Reiterates* that the rights to freedom of expression, association and peaceful assembly should not be exercised with the aim of destroying or denying the rights and freedoms of others, and not be misused to promote racist hate speech and racist crimes;

8. *Calls upon* all States that have not yet done so, and consistent with paragraph 75 of the Durban Declaration and Programme of Action, to consider withdrawing their reservations on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and on articles 18, 19 and 20 of the International Covenant on Civil and Political Rights;

9. *Welcomes* the convening of regional meetings organized by the Office of the United Nations High Commissioner for Human Rights to effectively implement the programme of activities of the International Decade for People of African Descent, encourages Member States and other stakeholders to adopt action-orientated recommendations at these meetings, and calls upon States, regional organizations and other stakeholders to facilitate the participation of civil society from their respective countries and regions in the meetings;

10. *Requests* the United Nations High Commissioner for Human Rights, in his capacity as coordinator of the Decade, to submit an oral update on his activities in follow-up to the implementation of the programme of activities within the framework of the Decade to the Human Rights Council at its thirty-ninth session;

11. *Welcomes* the intention of the African Union to convene a consultative group for the project to establish at the United Nations Office at Geneva a memorial to the victims of slavery and the transatlantic slave trade, and invites Member States and all other actors to lend their support to the initiative;

12. *Requests* the High Commissioner to prioritize the issue of preventing and combating racism, racial discrimination, xenophobia and related intolerance in the work of the Office of the High Commissioner;

13. *Decides* to remain seized of this important issue.

42nd meeting
29 September 2017

[Adopted by a recorded vote of 32 to 5, with 10 abstentions. The voting was as follows:

In favour:

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Albania, Germany, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Belgium, Croatia, Georgia, Hungary, Japan, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia]

General Assembly

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Agenda item 10

Resolution adopted by the Human Rights Council on 29 September 2017

36/25. Technical assistance and capacity-building in the field of human rights in the Central African Republic

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Recalling the African Charter on Human and Peoples' Rights and other relevant international and African instruments on human rights,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, 23/18 of 13 June 2013, 24/34 of 27 September 2013, S-20/1 of 20 January 2014, 27/28 of 26 September 2014, 30/19 of 2 October 2015 and 33/27 of 30 September 2016,

Recalling further Security Council resolutions 2088 (2013) of 24 January 2013, 2121 (2013) of 10 October 2013, 2127 (2013) of 5 December 2013, 2134 (2014) of 28 January 2014, 2149 (2014) of 10 April 2014, 2217 (2015) of 28 April 2015, 2281 (2016) of 26 April 2016, 2301 (2016) of 26 July 2016 and 2339 (2017) of 27 January 2017,

Reaffirming that all States have the primary responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international and African instruments on human rights to which they are parties,

Recalling that the Central African Republic authorities have the primary responsibility to protect all populations in the country from genocide, war crimes, ethnic cleansing and crimes against humanity,

Welcoming the holding of popular consultations and the Bangui Forum for National Reconciliation, which was followed by the adoption of the Republican Pact for Peace, National Reconciliation and Reconstruction and the signing of an agreement on disarmament, demobilization and reintegration by the representatives of the main actors in the conflict in the Central African Republic, and emphasizing the need for effective implementation of the recommendations and measures contained therein,

Welcoming also the peaceful holding of a constitutional referendum on 13 December 2015, the holding of legislative and presidential elections in December 2015 and February and March 2016 and the investiture of President Faustin-Archange Touadéra on 30 March 2016,

Reaffirming its commitment to the sovereignty, independence, unity and territorial integrity of the Central African Republic,

Gravely concerned by the worsening security situation in the Central African Republic, owing to the advance of armed groups across most of the territory, and condemning in particular the recent acts of violence and crime as well as incidents that have occurred in parts of the country away from the capital, which have caused heavy civilian losses since the beginning of 2017 and have triggered massive population displacements,

Gravely concerned also by the deteriorating humanitarian situation, in particular as a result of the rise in the number of displaced persons and refugees fleeing from violence and the fact that half of the country's population, or some 2.4 million people, are in need of humanitarian aid in order to survive, and concerned by the flow of refugees and its repercussions on the situation in neighbouring countries and other countries in the region,

Noting the presentation on 5 December 2016 of a humanitarian response plan for the period 2017-2019, and concerned by the growing humanitarian needs in the Central African Republic,

Noting also the mobilization of the international community to provide humanitarian assistance to the population of the Central African Republic affected by the crisis, such as the donor conference held in Addis Ababa on 1 February 2014, the Brussels conference held on 26 May 2015 and several high-level meetings held on humanitarian action in the Central African Republic, such as the African Union Solidarity Conference for the Central African Republic, held in Addis Ababa in February 2017,

Welcoming the outcome of the international support conference held in Brussels in November 2016 and the pledges announced during that conference, and encouraging Member States to swiftly disburse those pledges,

Recalling the need for the Government of the Central African Republic, the international community and humanitarian actors to support the voluntary return of displaced persons and refugees and to ensure that this return is sustainable,

Gravely concerned by the serious violations and abuses of human rights and of international humanitarian law, including those involving summary executions, extrajudicial killings, arbitrary detention and arrests, enforced disappearance, the recruitment and use of children, rape and other forms of sexual violence, torture, looting, the unlawful destruction of property and other serious violations and abuses of international human rights law and international humanitarian law,

Emphasizing that those engaging in or providing support for acts that undermine the peace, stability or security of the Central African Republic, threaten or impede the political stabilization and reconciliation process, target civilians and attack peacekeepers will be held responsible for their acts,

Emphasizing also the urgent need to establish genuine disarmament, demobilization, reintegration and repatriation programmes as part of a comprehensive strategy for security sector reform, and welcoming the successful conduct of preliminary activities in this field,

Welcoming the efforts of the African-led International Support Mission in the Central African Republic, the African Union, the Operation Sangaris mission conducted by France, the European Union military operation in the Central African Republic, the European Union Military Advisory Mission in the Central African Republic, the non-operational and operational military training missions of the Central African armed forces conducted by the European Union and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic,

Recalling that the international forces present in the Central African Republic must act, in carrying out their duties, in full respect for the applicable provisions of international humanitarian law, international human rights law and international refugee law, expressing its concern at the allegations of sexual abuse and other human rights violations that may have been committed by personnel of the international forces in the Central African Republic, recalling that an in-depth investigation should be launched into the allegations and that those responsible for such acts must be brought to justice, and welcoming the

commitment by the Secretary-General to strictly enforce the zero-tolerance policy of the United Nations on sexual exploitation and abuse,

Stressing the urgent and imperative need to end impunity in the Central African Republic, to bring to justice perpetrators of human rights violations and abuses and violations of international humanitarian law and to reject any general amnesty for the perpetrators of such violations and abuses, and the need to bolster national mechanisms to ensure accountability of perpetrators,

Emphasizing the primary responsibility of national authorities to create the conditions necessary to carry out investigations, to prosecute and to render judgments efficiently and independently,

Welcoming the commitment of the authorities of the Central African Republic to restore the rule of law, to end impunity and to bring to justice the perpetrators of crimes under the Rome Statute of the International Criminal Court, to which the Central African Republic is a party, and noting the decisions of the Prosecutor of the Court, made on 7 February 2014, to conduct a preliminary examination of the situation in the Central African Republic and, on 24 September 2014, to launch an investigation, following the request made by the transitional authorities,

Welcoming also the steps taken by the Government to bring the Special Criminal Court effectively into operation, including the appointment of the Special Prosecutor, the appointment of international and national judges and the launching of the selection process for the criminal investigation officers,

Recalling that the international commission of inquiry to investigate allegations of violations of international humanitarian law and international human rights law and human rights abuses in the Central African Republic concluded that the main parties to the conflict had committed, since January 2013, violations and abuses that may constitute war crimes and crimes against humanity,[1]

Welcoming the report of the mapping project, which was prepared by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the United Nations High Commissioner for Human Rights and which documented serious violations of international human rights law and international humanitarian law committed in the territory of the Central African Republic between January 2003 and December 2015, stressing the value of that report for future investigations and the prosecution of cases before the Special Criminal Court and for the establishment of transitional justice arrangements, and deeply concerned by the findings of that report, including serious violations of human rights and of international humanitarian law, some of which may constitute crimes under international law,

1. *Strongly condemns* the violations of human rights and of international humanitarian law and the human rights abuses associated with the resurgence of attacks by the various armed groups, including those involving killings, acts of torture and inhuman and degrading treatment, sexual violence, abductions, deprivation of liberty and arbitrary arrest, extortion and looting, the recruitment and use of children, the occupation of schools and health centres and attacks on them and denial of humanitarian assistance, and stresses that those responsible for such violations and abuses must be held accountable for their actions and brought to justice;

2. *Also strongly condemns* the targeted attacks launched by armed groups against civilians, against humanitarian workers and supplies and against United Nations staff;

3. *Reiterates* its call for an immediate end to all abuses and violations of human rights and violations of international humanitarian law committed by all parties, for strict adherence to all human rights and all fundamental freedoms and for the re-establishment of the rule of law in the country;

[1] See S/2014/928.

4. *Takes note with appreciation* of the report of the Independent Expert on the situation of human rights in the Central African Republic[2] and of the recommendations contained therein;

5. *Urges* all parties in the Central African Republic to protect all civilians, in particular women and children, against sexual and gender-based violence;

6. *Encourages* the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic to resolutely implement a proactive and assertive approach in the protection of civilians, as enshrined in its mandate, and also encourages it to lend the necessary assistance to the Central African authorities so that the Special Criminal Court may begin its work without delay;

7. *Encourages* the United Nations and the countries contributing troops to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and international forces acting under the mandate of the Security Council to take appropriate measures in order to ensure full respect of the zero-tolerance policy of the United Nations on sexual exploitation and abuse, and calls upon troop-contributing countries and international forces under the mandate of the Security Council to take appropriate measures to prevent any and all acts of sexual exploitation and abuse and to prevent impunity among their personnel;

8. *Calls upon* the Central African authorities, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, to engage resolutely in the disarmament, demobilization, reintegration and repatriation of foreign fighters, in line with a comprehensive strategy for security sector reform to quickly operationalize the cooperation structures they have put in place and to make proposals for disarmament, demobilization, reintegration and repatriation, and requests Member States and international organizations to provide the funding necessary for the disarmament, demobilization, reintegration and repatriation process, which is an essential contribution to the security of the population and the stabilization of the country;

9. *Urges* the Central African authorities, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the European Union Military Training Mission in the Central African Republic, to adopt and implement a national security policy and a comprehensive strategy for the reform of the security sector, including prior human rights verification procedures by defence and security forces;

10. *Deplores* the increasing recruitment and use of children by armed groups as combatants, human shields, domestic workers or sex slaves, as well as the abduction of children, urges armed groups to release children from their ranks and to put an end to and prevent future recruitment and use of children, and, in this regard, calls on them to honour the commitments assumed by several of them on 5 May 2015;

11. *Encourages* the Government to consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;

12. *Urges* all parties to protect and to consider as victims those children who have been released or otherwise separated from armed forces and armed groups, and emphasizes the need to pay particular attention to the protection, release and reintegration of all children associated with the armed forces and armed groups;

13. *Calls upon* the authorities of the Central African Republic to ensure respect for the human rights and fundamental freedoms of the entire population and to take all necessary steps to end the impunity of perpetrators of acts of violence by strengthening the judicial system and mechanisms intended to ensure accountability;

14. *Notes* the decision of the Central African authorities in June 2014 to request the Prosecutor of the International Criminal Court to open an investigation into alleged crimes committed in the Central African Republic that may fall under the Court's

[2] A/HRC/36/64.

jurisdiction, and welcomes in that regard the opening in September 2014 of an investigation by the Court essentially into war crimes and crimes against humanity committed since 1 August 2012;

15. *Welcomes* the efforts by the Central African authorities to establish within the national judicial system the Special Criminal Court with competence in respect of serious violations of human rights and violations of international humanitarian law, and encourages the Government to take all the measures necessary to ensure the effective implementation and operational capability of the Court as promptly as possible, with support from the international community, and to cooperate with the Special Prosecutor of the Court so that those responsible for international crimes, regardless of their status or their affiliation, are identified, arrested and brought to justice without delay;

16. *Requests* the authorities of the Central African Republic to take immediate and concrete priority measures to strengthen the judiciary and to fight impunity in order to contribute to stabilization and reconciliation, including by restoring administration of the judiciary and by strengthening the criminal justice system and the penitentiary system such that judicial authorities are effectively present throughout the country, ensuring that everyone has access to fair and impartial justice;

17. *Also requests* the authorities of the Central African Republic to continue their efforts to restore the effective authority of the State over the entire country, including through the redeployment of State administration in the provinces with a view to ensuring stable, responsible, inclusive and transparent governance;

18. *Requests* States Members of the United Nations and international and regional organizations to provide urgent support to the Central African authorities for the conduct of the above-mentioned reforms and the restoration of State authority throughout the country;

19. *Urges* the authorities of the Central African Republic to implement the recommendations made at the Bangui Forum on National Reconciliation, including the establishment of a truth, justice, reparation and reconciliation commission, and encourages them to define a road map for transitional justice adopting an inclusive approach likely to allow genuine and lasting reconciliation, including by supporting civil society actors working for conflict prevention and resolution, reconciliation and human rights;

20. *Remains deeply concerned* by the conditions of displaced persons and refugees, and encourages the international community to support the national authorities and host countries to ensure appropriate protection and support for victims of violence, in particular women, children and persons with disabilities;

21. *Calls upon* the national authorities to continue their efforts to protect and promote the right to freedom of movement for all, including internally displaced persons, without distinction, and to respect their right to choose their place of residence, to return home or to seek protection elsewhere;

22. *Invites* all stakeholders and the international community to remain mobilized to respond to the urgencies and priorities identified by the Central African Republic, in particular financial and technical support, and to pay the costs for psychotrauma treatment of people affected by the crisis;

23. *Requests* all parties to facilitate rapid access for humanitarian aid and humanitarian workers to the entire national territory by strengthening security on the roads;

24. *Encourages* States Members of the United Nations, within the framework of international cooperation, the relevant United Nations bodies, international financial institutions and other international organizations concerned and donors to provide the Central African Republic with technical assistance and capacity-building in order to promote respect for human rights and to undertake reform of the justice and security sectors;

25. *Encourages* the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, in accordance with its mandate, to publish reports

on the situation of human rights in the Central African Republic in order to enable the international community to monitor the situation;

26. *Decides* to renew, for one year, the mandate of the Independent Expert to assess, to monitor and to report on the situation of human rights in the Central African Republic with a view to making recommendations related to technical assistance and capacity-building in the field of human rights;

27. *Requests* all parties to cooperate fully with the Independent Expert in carrying out her mandate;

28. *Decides* to organize, at its thirty-seventh session, a high-level interactive dialogue to assess the evolution of the human rights situation on the ground, placing special emphasis on the impact of peace and reconciliation efforts on human rights, with the participation of the Independent Expert, representatives of the Government of the Central African Republic, the United Nations, the African Union and civil society;

29. *Requests* the Independent Expert to work closely with all United Nations bodies, the African Union and the Economic Community of Central African States, as well as with other relevant international organizations, Central African civil society and all relevant human rights mechanisms;

30. *Also requests* the Independent Expert to provide an oral update on her report on technical assistance and capacity-building in the field of human rights in the Central African Republic to the Human Rights Council at its thirty-eighth session and to submit a written report to the Council at its thirty-ninth session;

31. *Requests* the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all financial and human resources necessary to enable her to carry out fully her mandate;

32. *Decides* to remain seized of the matter.

42nd meeting
29 September 2017

[Adopted without a vote.]

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General Assembly

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Human Rights Council
Thirty-sixth session
11–29 September 2017
Agenda item 10

Resolution adopted by the Human Rights Council on 29 September 2017

36/26. Technical assistance and capacity-building to improve human rights in the Sudan

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international human rights instruments,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Recalling further Human Rights Council resolution 33/26 of 30 September 2016,

Emphasizing that States have the primary responsibility for the promotion and protection of all human rights,

Welcoming the new humanitarian policies of the Government of the Sudan, which call for rapid and unhindered humanitarian access, while encouraging the Government to protect and provide humanitarian assistance to populations in need, and encouraging the Government also to intensify its endeavours to continue its commitment to address humanitarian needs in conflict-affected areas,

1. *Welcomes* the work of the Independent Expert on the situation of human rights in the Sudan;

2. *Takes note* of the report of the Independent Expert submitted to the Human Rights Council at its thirty-sixth session,[1] and of the comments of the Government of the Sudan thereon;[2]

[1] A/HRC/36/63.
[2] A/HRC/36/63/Add.1.

3. *Notes with appreciation* the cooperation of the Government of the Sudan with the Independent Expert to enable him to fulfil his mandate, and the Government's stated commitment to continue that cooperation;

4. *Requests* the Independent Expert to work with all relevant partners to provide technical assistance and capacity-building to relevant entities of the Government of the Sudan, national agencies and other stakeholders;

5. *Notes with appreciation* the outcomes to date of the ongoing national dialogue in the Sudan with a view to achieving sustainable peace, encourages the inclusive participation of all Sudanese stakeholders, and encourages all stakeholders to ensure an environment conducive to an inclusive, transparent and credible dialogue;

6. *Encourages* the Government of the Sudan to extend the unilateral declaration of cessation of hostilities, and calls upon remaining armed groups to declare an unconditional cessation of hostilities and to negotiate in good faith to achieve a permanent ceasefire;

7. *Notes with appreciation* the hosting by the Sudan of hundreds of thousands of refugees from neighbouring countries and countries in the region and the opening of four humanitarian corridors to provide life-saving interventions to those affected by conflict and famine;

8. *Notes* the continued efforts of the Government of the Sudan to implement the universal periodic review recommendations it has accepted, and encourages the Government to continue its cooperation with the review process;

9. *Also notes* several positive developments, such as the recent separation of the attorney general's office from the Ministry of Justice, the appointment on 16 May 2017 of a chairperson to the Sudan National Commission for Human Rights, the presidential pardon of 259 armed rebel movement members in Darfur, and also of two pastors who had been sentenced to 12 years of imprisonment, and acknowledges the general amnesty announced on 29 August 2017 of representatives of civil society and human rights activists, and on 4 September the release on bail of representatives of civil society;

10. *Acknowledges* the observations made by the Independent Expert in his report, urges the Government of the Sudan to ensure respect for the human rights of all individuals, and expresses concern about the incidents of harassment, arbitrary arrest and prolonged detention, including of students, human rights defenders and members of civil society organizations, the restrictions on the rights to freedom of expression, association and peaceful assembly and the ongoing censorship of media, while urging the Government to respect its constitutional and international obligations and commitments and to address the demolition of places of worship and reports of harassment of religious leaders;

11. *Stresses* that conducting investigations into alleged human rights abuses and violations by all parties and holding perpetrators to account should be a foremost priority of the Government of the Sudan, while noting the view that bringing all of the Government's agencies and offices into line with the State's international human rights obligations and commitments can improve the human rights environment in the Sudan;

12. *Expresses serious concern* about alleged violations or abuses of human rights in conflict zones, including those involving sexual and gender-based violence, and urges parties to protect civilians and to pursue peace;

13. *Urges* Member States, the United Nations High Commissioner for Human Rights, relevant United Nations agencies and other stakeholders to support the efforts of the Government of the Sudan in accordance with the present resolution with a view to further

improving the situation of human rights in the country by responding to the Government's requests for technical assistance and capacity-building;

14. *Requests* the Office of the High Commissioner, taking into account the recommendations of the Independent Expert, to provide technical assistance and capacity-building in response to the request from the Government of the Sudan for support on ways to improve the situation of human rights in the country and with a view to providing support for the country to fulfil its human rights obligations and commitments;

15. *Decides* to renew the mandate of the Independent Expert for a period of one year;

16. *Requests* the Independent Expert to present a report on the implementation of his mandate, including recommendations on technical assistance and capacity-building, to the Human Rights Council for consideration at its thirty-ninth session;

17. *Calls upon* the Government of the Sudan to continue its full cooperation with the Independent Expert and to continue to permit effective access to visit all areas of the country, and to meet with all relevant actors;

18. *Requests* the Office of the High Commissioner to provide all financial and human resources necessary to the Independent Expert for the implementation of the mandate;

19. *Acknowledges* that the situation of human rights in the Sudan informs the establishment, renewal and transition of mandates related to the Sudan by the Human Rights Council, and urges the Government of the Sudan to cooperate with the Independent Expert, the Office of the High Commissioner and other stakeholders with the view that the continued and sustained improvement in the situation of human rights in the Sudan would contribute to an eventual transition of the mandate from that of Independent Expert to another appropriate United Nations human rights mechanism;

20. *Decides* to consider this issue under agenda item 10.

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Resolution adopted by the Human Rights Council on 29 September 2017

36/27. Assistance to Somalia in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Acknowledging that peace and security, development and human rights are the pillars of the United Nations system,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Reaffirming also its previous resolutions on Somalia,

Recalling its resolutions 5/1 and 5/2 of 18 June 2007,

Recognizing that the primary responsibility for promoting and protecting human rights in Somalia rests with the Federal Government of Somalia, and that enhancing the legal framework, human rights protection systems and the capacity and legitimacy of institutions is essential to help to combat impunity, improve accountability for human rights violations and encourage reconciliation,

Recognizing also the need for all authorities engaged in security to uphold international human rights commitments and obligations and to address abuse and the excessive use of force against civilians,

Recognizing further the importance and effectiveness of international assistance to Somalia and the continued need to step up the scale, coordination, coherence and quality of all capacity development and technical assistance to Somalia in the field of human rights at the national and federal Member State levels, and in that regard welcoming the outcomes of the London Somalia Conference held in May 2017, including the adoption of the New Partnership for Somalia, which sets out the terms of international support for Somali priorities, including on human rights, and the Security Pact to provide Somali-led security and protection in accordance with international humanitarian law and international human rights law, as appropriate,

Recognizing the sustained and vital commitment of the African Union Mission in Somalia and the loss and sacrifice of personnel killed in action, and recognizing also that the commitments from the Mission and the Intergovernmental Authority on Development are creating the conditions for Somalia to establish political institutions and to extend State authority, which are key to laying the foundations for a staged transfer of security responsibility to Somali security forces,

Recognizing also the role that women have played and will continue to play in community mobilization and peacebuilding in Somali society, and the importance of promoting their economic empowerment and participation in political and public decision-making processes, including within Parliament and at all levels of government, in line with Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security,

1. *Welcomes* the commitment of the Federal Government of Somalia to improve the situation of human rights in Somalia, and in that regard welcomes:

(*a*) The New Partnership for Somalia, adopted at the London Somalia Conference by Somalia and international partners, which sets ambitious but achievable goals for progress on the priorities of Somalia for stability and development, including on human rights and the rule of law, constitutional settlement, inclusive politics, good governance, measures to tackle corruption, security and economic recovery;

(*b*) The endorsement of the first national development plan in 30 years and the commitments made therein to protect human rights, to promote gender equality and to empower all women and girls;

(*c*) The Security Pact, adopted by Somalia and international partners at the London Somalia Conference, which sets out a vision of Somali-led security institutions and forces that are affordable, acceptable and accountable, and have the ability to provide the security and protection that the Somali people deserve and need, in accordance with international humanitarian law and human rights standards;

(*d*) The high-level commitment made at the London Somalia Conference to continue dialogue and to work towards closer partnership between the Federal Government of Somalia, civil society and diaspora organizations, in recognition of the important contribution of civil society and the diaspora in supporting ongoing peace and development in Somalia;

(*e*) The increased representation of women in the cabinet and the Somali national parliament from 14 per cent to 24 per cent as a result of the electoral process, which, although falling short of the commitment to reach 30 per cent representation of women, marks a hard-won step towards more representative, inclusive and effective governance;

(*f*) The work undertaken by the Ministry for Women and Human Rights Development as the lead federal government body to advance the human rights agenda in Somalia, including efforts to establish a national human rights commission to monitor and provide accountability for violations and abuses, with representation of women, marginalized groups and persons with disabilities;

(*g*) The development and agreement of key policies and plans, including a post-transition human rights road map, a national gender policy and a national plan of action on eradicating sexual violence in conflict;

(*h*) Progress on key legislation, including the enactment of the child protection bill, progress towards the adoption of a bill on sexual offences and the implementation of a media law, through consultation with media organizations and civil societies, in order to provide a framework for upholding freedom of expression;

2. *Also welcomes* the continued commitment of the Federal Government of Somalia to the universal periodic review process, and in this regard welcomes its acceptance of the many recommendations made during the review, and encourages their implementation;

3. *Expresses concern* at reports of violations and abuses of human rights in Somalia, and underscores the need to end impunity, to uphold the respect for human rights for all and to hold accountable all those responsible for such violations and abuses and related crimes;

4. *Expresses particular concern* at the abuses and violations perpetrated against girls and women, including sexual and gender-based violence, child, early and forced marriage and female genital mutilation, expresses concern at the abuses and violations committed against children, including the unlawful recruitment and use of child soldiers and children in armed conflict, killing and maiming, rape and other sexual and gender-based violence, and abductions, and emphasizes the need for accountability and justice for all such violations and abuses;

5. *Expresses concern* that internally displaced persons, including the most marginalized and vulnerable, which may include women, children and persons belonging to minority groups, are the most at risk and can bear the brunt of violence, abuses and violations;

6. *Also expresses concern* at the attacks against and harassment of human rights defenders and the media, including journalists, in Somalia, and emphasizes the need to promote respect for freedom of expression and opinion and to end impunity, holding accountable those who commit any such related crimes;

7. *Recognizes* the efforts of those States hosting Somali refugees, urges all host States to meet their obligations under international law relating to refugees, and urges the international community to continue to provide financial support to enable host States to meet the humanitarian needs of Somali refugees in the region, to support the reintegration of those returning to Somalia when conditions are suitable, and to support internally displaced persons in Somalia;

8. *Calls upon* the Federal Government of Somalia, with the support of the international community:

(*a*) To implement the commitments in the New Partnership for Somalia and the London Conference communiqué on constitutional reform, noting the importance of reaching a settlement on outstanding constitutional issues, completing the constitutional review process in a manner that promotes the building of peace and rule of law, and establishing a more inclusive model for elections in 2021;

(*b*) To end the prevailing culture of impunity and to hold accountable those who commit human rights violations and abuses by concluding the establishment of a resourced and independent national human rights commission and through reform of State and traditional justice mechanisms, to increase representation of women in the judiciary, and to improve access to justice for women and children;

(*c*) To impose a zero-tolerance policy on sexual and gender-based violence, including female genital mutilation, ensuring that those responsible for sexual and gender-based violence, exploitation and abuse are, regardless of their status or rank, held to account;

(*d*) To ensure security sector reform consistent with international law in order to ensure that Somali security forces and institutions comply with applicable national and international law, including international human rights law, including on the protection of

individuals from, inter alia, sexual and gender-based violence, and on the prevention of extrajudicial killings, and to strengthen internal and external accountability of all relevant security forces and institutions;

(*e*) To increase the support and resources allocated to the ministries and institutions responsible for the administration of justice and the protection of human rights, particularly the Ministry for Women and Human Rights Development at the federal and State levels, the judiciary, the police, and correctional services;

(*f*) To ensure the meaningful participation of women in public and political life and decision-making by ensuring that the electoral model for national elections in 2021 enables the increased representation of women, alongside elections at the federal Member State level;

(*g*) To realize the commitment made at the London Somalia Conference to establish closer dialogue and cooperation with civil society, with representation of women, marginalized groups and persons with disabilities;

(*h*) To promote reconciliation and dialogue at the federal, regional state and subnational levels, while recognizing the importance of the valuable assistance provided by the Intergovernmental Authority on Development;

(*i*) To implement the media protection law to protect and uphold freedom of expression and a free media and to create a safe and enabling environment in which journalists and human rights defenders can operate free from hindrance and insecurity, to continue efforts to prohibit, prevent and protect against all kidnapping, killings, attacks, acts of intimidation against and harassment of journalists, to initiate timely, effective, impartial and transparent investigations into killings of journalists, and to prosecute all those responsible for unlawful acts in a manner that is in line with provisions in the media protection law and is consistent with other applicable domestic and international legal obligations;

(*j*) To ensure the equitable participation of women, young people, members of minority groups and other marginalized groups in national political processes, and to establish skills development centres to empower women, young people and members of minority groups to participate;

(*k*) To consider acceding to and ratifying the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the Convention on the Prevention and Punishment of the Crime of Genocide;

(*l*) To finalize the review of and raise awareness about the new sexual offences bill, and to pass the bill into law and implement it and other laws as necessary to prevent sexual and gender-based violence;

(*m*) To harmonize national and federal Member State-level political policies and legal frameworks with applicable human rights obligations and other commitments;

(*n*) To treat former combatants in accordance with applicable obligations under domestic and international law, in particular international human rights law and international humanitarian law, as applicable;

(*o*) To continue measures to implement the plans of action to prevent the unlawful recruitment and use of children in the Somalia national armed forces, and to work with specialist agencies, such as the United Nations Children's Fund, to ensure that former child soldiers and children under 18 years of age used in armed conflict are treated as victims and rehabilitated in accordance with international standards;

(*p*) To implement the Declaration on Durable Solutions for Somali Refugees and the Reintegration of Returnees in Somalia, adopted in Nairobi on 25 March 2017, to promote the well-being and protection of all internally displaced persons, including from sexual and gender-based violence, and also from exploitation and abuse committed by State or international military or civilian personnel, to facilitate the voluntary reintegration or return of all internally displaced persons, including the most vulnerable, in safety and with dignity, to ensure a fully consultative process and best practice for relocations, to provide safe sites that provide safe access to essential food and potable water, basic shelter and housing, appropriate clothing and essential medical services and sanitation, to ensure unhindered access for humanitarian organizations, to recognize the acute vulnerability of internally displaced persons, to facilitate full, rapid and unimpeded humanitarian access to people in need, wherever they are in Somalia, and to safeguard the neutrality, impartiality and independence of humanitarian actors from political, economic and military interference, while remaining sensitive to the needs of persons belonging to ethnic minorities requiring humanitarian assistance;

9. *Stresses* the important role of joint monitoring and reporting on the situation of human rights in Somalia by domestic and international experts and the Federal Government of Somalia, and the vital role that those monitoring human rights can play in evaluating and ensuring the success of technical assistance projects, which in turn must be for the benefit of all Somalis;

10. *Underlines* the importance of the realization by the United Nations Assistance Mission in Somalia of its mandate throughout Somalia and the need to ensure synergy with the work of the Office of the United Nations High Commissioner for Human Rights;

11. *Commends* the engagement of the Independent Expert on the situation of human rights in Somalia;

12. *Decides* to renew the mandate of the Independent Expert, under agenda item 10, for a period of one year, to assess, monitor and report on the situation of human rights in Somalia with a view to making recommendations on technical assistance and capacity-building in the field of human rights;

13. *Requests* the Independent Expert to continue to work closely with the Federal Government of Somalia at the national and subnational levels, all United Nations bodies, including the United Nations Assistance Mission in Somalia, the African Union, the Intergovernmental Authority on Development, other relevant international organizations, civil society and all relevant human rights mechanisms, and to assist Somalia in the implementation of:

(*a*) Its domestic and international human rights obligations;

(*b*) Human Rights Council resolutions and other human rights instruments, including associated routine reporting;

(*c*) Recommendations accepted during the universal periodic review;

(*d*) Other human rights commitments, policies and legislation to promote the empowerment of women, young people and marginalized groups, freedom of expression and assembly, the protection of the media, access to justice for women, and increasing the capacity of ministries and institutions responsible for the administration of justice and the protection of human rights;

14. *Also requests* the Independent Expert to report to the Human Rights Council at its thirty-ninth session and to the General Assembly at its seventy-third session;

15. [illegible] the Office of the High Commissioner and other relevant United Nations agencies to provide the Independent Expert with all the human, technical and financial assistance necessary to carry out fully his mandate;

16. *Decides* to remain actively seized of the matter.

42nd meeting
27 September 2017

[Adopted without a vote.]

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36/28. Enhancement of technical cooperation and capacity-building in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, particularly with regard to achieving international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming the obligation of States under the Charter to promote universal respect for and observance of human rights and fundamental freedoms,

Recalling all relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recognizing that the enhancement of international cooperation is essential for the effective promotion and protection of human rights, which should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of States to prevent human rights violations and to comply with their human rights obligations for the benefit of all human beings,

Recognizing also the importance of enhancing international support for implementing effective and targeted capacity-building in developing countries to support national plans to implement all the Sustainable Development Goals,

Recalling General Assembly resolution 70/1 of 25 September 2015 on the 2030 Agenda for Sustainable Development,

Recalling also that the 2030 Agenda is guided by the purposes and principles of the Charter, including full respect for international law, and is grounded in the Universal Declaration of Human Rights and international human rights treaties, that it is informed by other instruments, such as the Declaration on the Right to Development, and that it is to be implemented in a manner that is consistent with the rights and obligations of States under international law,

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Recognizing that the implementation of the 2030 Agenda must be consistent with a State's obligations under international human rights law,

Bearing in mind the mandate of the Human Rights Council, as stated by the General Assembly in its resolution 60/251 of 15 March 2006, to promote advisory services, technical assistance and capacity-building, to be provided in consultation with and with the consent of the States concerned, and the provisions of Council resolutions 5/1 and 5/2 of 18 June 2007 and 16/21 of 25 March 2011 that aim to enable the Council to fulfil such a mandate,

Recalling all relevant resolutions of the Human Rights Council on the enhancement of technical cooperation and capacity-building in the field of human rights,

Noting the important role that technical cooperation and capacity-building can play in building States' capacities to implement the Sustainable Development Goals in a way that is consistent with their respective obligations under international human rights law,

Recognizing the positive role of capacity-building in the field of human rights in supporting States in their implementation of the 2030 Agenda,

Reiterating that one of the responsibilities of the United Nations High Commissioner for Human Rights and the Office of the High Commissioner is to provide advisory services and technical and financial assistance, at the request of the State concerned, with a view to supporting actions and programmes in the field of human rights, and to coordinate activities to promote and protect human rights throughout the United Nations system in accordance with the mandate of the Office,

Acknowledging the role and impact of the activities of the relevant agencies of the United Nations and international and regional organizations, and the contribution of civil society organizations, in providing States with technical support and assistance on the basis of needs and requests of States concerned in the implementation of their human rights obligations and their voluntary pledges and commitments, as well as accepted universal periodic review recommendations,

Noting with appreciation the contributions of international human rights bodies and mechanisms, including international human rights treaty bodies, the Human Rights Council and its subsidiary bodies, such as the special procedures and the universal periodic review mechanism, in promoting the implementation of the 2030 Agenda in accordance with States' human rights obligations,

Welcoming the efforts of United Nations human rights bodies and mechanisms, the United Nations development system and relevant United Nations agencies and country teams to align capacity-building efforts with the needs and national circumstances of States, including to strengthen policy coherence, where applicable, in the implementation of States' respective obligations under international human rights law and in their implementation of the Sustainable Development Goals,

Appreciating the important role of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the Voluntary Trust Fund for Participation in the Universal Periodic Review, the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council and the Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review in assisting States and developing their national capacities to promote the effective implementation of their human rights obligations and accepted universal periodic review recommendations, which have contributed to tangible improvements in the situation of human rights on the ground,

Noting with appreciation the contributions of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights and of the Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review through their annual reports to the Human Rights Council, in particular on the components of technical cooperation and the identification of good practices,

1. *Emphasizes* that the general debate under agenda item 10 is an essential platform for Members and observers of the Human Rights Council to share their visions and views to promote more effective technical cooperation and capacity-building in the field of human rights, and to share concrete experiences, challenges and information on assistance needed in the implementation of their human rights obligations and voluntary pledges and commitments, and of accepted universal periodic review recommendations, and their achievements and good practices in this area, including those that promote synergy and policy coherence between the promotion and protection of human rights and the realization of the 2030 Agenda for Sustainable Development;

2. *Reiterates* that technical cooperation and capacity-building in the field of human rights continue to be based on consultations with and the consent of the States concerned, and should take into account their needs, and the fact that all human rights are universal, indivisible, interdependent and interrelated and aim to make a concrete impact on the ground;

3. *Underscores* the need to strengthen international, regional and bilateral cooperation and dialogue in the promotion and protection of human rights;

4. *Acknowledges* that the promotion and protection of human rights and the 2030 Agenda are complementary and mutually reinforcing;

5. *Reaffirms* that technical cooperation should remain an inclusive exercise that engages and involves all national stakeholders, including government agencies, national human rights institutions and civil society;

6. *Also reaffirms* the ongoing need for enhanced voluntary contributions to the relevant United Nations funds to support technical assistance and capacity-building, particularly the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the Voluntary Trust Fund for Participation in the Universal Periodic Review, the Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review and the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council, and encourages States to continue to make contributions to these funds, especially those who have not yet done so;

7. *Invites* the United Nations High Commissioner for Human Rights to make his next annual oral presentation, under agenda item 10, on the overview of and successes, best practices and challenges in technical assistance and capacity-building efforts, particularly those provided by the Office of the High Commissioner and relevant United Nations agencies, to the Human Rights Council at its thirty-seventh session, and subsequently on an annual basis at the March session of the Council, and encourages the High Commissioner to highlight the contribution of human rights technical cooperation and capacity-building to the attainment of the Sustainable Development Goals;

8. *Invites* the Chair of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights to present the next comprehensive report on the Board's work to the Human Rights Council at its thirty-seventh session, and subsequently on an annual basis at the March session of the Council, and encourages the chairs of the boards of trustees of other funds administered by the

Office of the High Commissioner to support activities in the area of technical assistance and capacity-building to make a presentation at the same session;

9. *Welcomes* the panel discussion held pursuant to Human Rights Council resolution 33/28 under agenda item 10 at the thirty-fifth session of the Council on the theme "A decade of technical cooperation and capacity-building in the Human Rights Council: challenges and the way forward", at which participants stressed the need to reinvigorate the debates and actions under agenda item 10 and to make them more responsive to the needs of States, in accordance with its original intent and the principles of the Council, underlines the role that technical cooperation and capacity-building can play in preventing human rights violations and in enhancing the credibility and effectiveness of the Council, while underscoring also the importance of further strengthening policy coherence across the United Nations system in the delivery of technical assistance pertaining to human rights and the Sustainable Development Goals, with a view to maximizing its impact on the ground;

10. *Decides*, in accordance with paragraphs 3 and 4 of its resolution 18/18 of 29 September 2011, that the theme for the annual thematic panel discussion under agenda item 10 to be held during its thirty-eighth session will be "Human rights and the Sustainable Development Goals: enhancing human rights technical cooperation and capacity-building to contribute to the effective and inclusive implementation of the 2030 Agenda for Sustainable Development";

11. *Requests* the Office of the High Commissioner to prepare a report on how United Nations human rights bodies and mechanisms, including the Human Rights Council, the universal periodic review, the special procedures and the treaty bodies, and United Nations country teams and agencies can, through effective, coherent and coordinated technical assistance and capacity-building in the promotion and protection of human rights support States in the realization of the 2030 Agenda, including, inter alia, by highlighting practical steps and concrete examples that seek to promote policy synergy and coherence, use of technology and innovation, and the strengthening of the capacity of national statistical offices and data systems related to human rights where applicable, as well as ways to enhance national implementation, reporting and follow-up, taking into account the different constraints and needs of States, and to submit the report to the Council at its thirty-eighth session to serve as a basis for the thematic panel discussion;

12. *Also requests* the Office of the High Commissioner to consult with States, the United Nations development system, relevant United Nations bodies, agencies and country teams, relevant special procedures and other stakeholders, including, where applicable, those involved in technical cooperation projects that demonstrate best practices, constructive engagement and positive impact on the ground with a view to ensuring their participation in the thematic panel discussion;

13. *Calls upon* States, relevant international organizations, intergovernmental bodies and civil society to make use of the ideas and issues raised in the annual panel discussion under agenda item 10 during its thirty-eighth session to enhance the efficiency, effectiveness and policy coherence of technical cooperation and capacity-building efforts undertaken by the Office of the High Commissioner and United Nations country teams and agencies in improving States' national capacities to promote and protect human rights and support the implementation of the Sustainable Development Goals.

42nd meeting
29 September 2017

[Adopted without a vote.]

United Nations A/HRC/RES/36/29

General Assembly

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10 October 2017

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Human Rights Council
Thirty-sixth session
11–29 September 2017
Agenda item 10

Resolution adopted by the Human Rights Council on 29 September 2017

36/29. Promoting international cooperation to support national human rights follow-up systems, processes and related mechanisms, and their contribution to the implementation of the 2030 Agenda for Sustainable Development

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling General Assembly resolutions 48/141 of 20 December 1993, 60/251 of 15 March 2006 and 65/281 of 17 June 2011 and Human Rights Council resolutions 5/1 of 18 June 2007, 16/21 of 25 March 2011 and 30/25 of 2 October 2015,

Recalling also General Assembly resolution 70/1 of 25 September 2015, in which the Assembly adopted the 2030 Agenda for Sustainable Development,

Recognizing that the 2030 Agenda and its Goals and targets are integrated and indivisible, balance the three dimensions of sustainable development and seek to realize all human rights of all,

Reaffirming its commitment to the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in Vienna on 25 June 1993,

Emphasizing the responsibilities of all States, in conformity with the Charter of the United Nations, to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status,

Recalling that one of the purposes of the United Nations enshrined in the Charter is to achieve international cooperation in promoting and encouraging respect for human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

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Considering that international cooperation, in conformity with the purposes and principles set out in the Charter and international law, provide an effective and practical contribution to preventing violations of human rights and fundamental freedoms,

Affirming that technical cooperation, provided in consultation with, and with the consent of, the States concerned, should be an inclusive exercise that engages and involves all national stakeholders, including government agencies, national human rights institutions and civil society, at all stages,

Recognizing the important, valuable and mutually reinforcing role and contribution of all human rights mechanisms of international and regional human rights systems in the promotion and protection of human rights and fundamental freedoms,

Reiterating the importance and added value of technical assistance and capacity-building provided in consultation with, and with the consent of, the States concerned to ensure follow-up to and the effective implementation of their respective international human rights obligations and commitments,

Recognizing that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue in all relevant forums, including in the context of the universal periodic review, and be aimed at strengthening the capacity of States to implement their respective human rights obligations and commitments,

Recognizing also the important and constructive role played by parliaments, national human rights institutions, civil society and other relevant stakeholders in the universal periodic review mechanism, and encouraging their continued and unhindered participation in and contribution to national human rights follow-up systems and processes,

Recognizing further that States, with the support from the United Nations system, have increasingly adopted comprehensive and permanent approaches to reporting to the international human rights system and to implementing recommendations through, for instance, the establishment or strengthening of national human rights follow-up systems and processes, including, as appropriate, national mechanisms for reporting and follow-up,

Underlining that such mechanisms can facilitate the task of clustering and prioritizing recommendations and of mainstreaming them into national human rights action plans, policies and working programmes, as appropriate, thus contributing to preventing the recurrence of human rights violations,

Affirming that this holistic approach to all human rights recommendations can contribute to a better alignment of human rights and sustainable development efforts at the national level,

Acknowledging the important work of the Office of the United Nations High Commissioner for Human Rights in continuously updating the Universal Human Rights Index, clustering human rights recommendations and developing methodologies to identify, where applicable, synergies among human rights recommendations and the Sustainable Development Goals,

Noting that the 2030 Agenda is guided by the purposes and principles of the Charter, including full respect for international law, that it is grounded in the Universal Declaration of Human Rights, international human rights treaties, the Millennium Declaration and the 2005 World Summit Outcome, that it is informed by other instruments, such as the Declaration on the Right to Development, and that it is to be implemented in a manner that is consistent with the rights and obligations of States under international law,

Welcoming the technical assistance and capacity-building provided by the Office of the High Commissioner and by the United Nations Development Programme, through United Nations Resident Coordinators and United Nations country teams, in consultation

with, and with the consent of, the States concerned, particularly with a view to supporting the establishment or the strengthening of national human rights follow-up systems and processes, including, as appropriate, national mechanisms for reporting and follow-up,

Recalling Human Rights Council resolution 6/17 of 28 September 2008, in which the Council requested the Secretary-General to establish a universal periodic review voluntary trust fund to facilitate the participation of developing countries, particularly least developing countries, in the universal periodic review mechanism, and to establish the voluntary fund for financial and technical assistance, to be administered jointly with the universal periodic review voluntary trust fund, in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help countries to implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the States concerned,

Recalling also the beginning of the third universal periodic review cycle, during which all States Members of the United Nations will undergo a review of their fulfilment of their human rights obligations and commitments,

Considering the third cycle of the universal periodic review an opportunity to strengthen the engagement of all States in the follow-up and implementation of human rights recommendations, including through the provision of technical assistance and capacity-building, provided upon request and with the consent of the States concerned,

Reaffirming the importance of strengthening the relevance and impact of human rights recommendations by providing technical assistance and capacity-building for their implementation, upon request and with the consent of the States concerned, including through the establishment or strengthening of national human rights mechanisms for reporting and follow-up, in collaboration with United Nations country teams,

1. *Welcomes* the holding of the panel discussion on promoting international cooperation to support national follow-up systems and processes, held on 9 November 2016, during the twenty-sixth session of the Working Group on the Universal Periodic Review, and the summary report thereon, submitted by the United Nations High Commissioner for Human Rights to the Human Rights Council at its thirty-fourth session;[1]

2. *Encourages* States to establish or strengthen national human rights follow-up systems and processes, including, as appropriate, national mechanisms on reporting and follow-up, to seek, as needed, technical assistance and capacity-building, and to share experiences and good practices to that end;

3. *Encourages* States and other relevant stakeholders to promote technical assistance and capacity-building, upon the request of, and in accordance with the priorities set by, the States concerned, aimed at sharing experiences and good practices in the follow-up to international human rights recommendations;

4. *Requests* the United Nations High Commissioner for Human Rights to continue to provide technical assistance and capacity-building, upon the request of, and in accordance with the priorities set by, the States concerned, on the establishment or the strengthening of national human rights follow-up systems and processes, including, as appropriate, of national mechanisms for reporting and follow-up;

5. *Invites* States to gradually increase their voluntary contributions to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the Voluntary Fund for Financial and Technical Assistance for the Implementation of the

[1] A/HRC/34/24.

Universal Periodic Review and other relevant trust funds, in order to enable States, upon request and in accordance with their priorities, to establish or strengthen their respective national human rights follow-up systems and processes, including, as appropriate, their national mechanisms for reporting and follow-up;

6. *Recognizes* that national human rights mechanisms for reporting and follow-up could make a contribution to the implementation of the Sustainable Development Goals by strengthening the capacity of States to assess needs, set priorities and implement measures that effectively promote and protect, including on a preventive basis, the human rights of all persons, especially those living in vulnerable situations, thus leaving no one behind;

7. *Also recognizes* the importance of strengthening capacities and building synergies at the national level for the implementation of the Sustainable Development Goals, with due consideration given to human rights recommendations and standards;

8. *Requests* the Office of the High Commissioner to continue to compile, assess and raise awareness of good practices, challenges and lessons learned on the potential contribution of national human rights follow-up systems and processes, including, as appropriate, of national mechanisms for reporting and follow-up, to the implementation of human rights recommendations and, where applicable, to the achievement of the Sustainable Development Goals, building on the activities undertaken in the field of national policies and human rights and on the enhancement of technical assistance and capacity-building programmes;

9. *Decides* to remain seized of the matter.

42nd meeting
29 September 2017

[Adopted without a vote.]

United Nations A/HRC/RES/36/30

General Assembly

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4 October 2017

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Thirty-sixth session
11–29 September 2017
Agenda item 10

Resolution adopted by the Human Rights Council on 29 September 2017

36/30. Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo

The Human Rights Council,

Reaffirming that all States have an obligation to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights, to discharge their obligations under the International Covenants on Human Rights and other relevant instruments to which they are parties, and to fulfil their obligations under those treaties and agreements,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Human Rights Council resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008 and S-8/1 of 1 December 2008,

Recalling further its resolutions 10/33 of 27 March 2009, 13/22 of 26 March 2010, 16/35 of 25 March 2011, 19/27 of 23 March 2012, 24/27 of 27 September 2013, 27/27 of 26 September 2014 and 30/26 of 2 October 2015, 33/29 of 30 September 2016 and 35/33 of 23 June 2017, in which the Human Rights Council called upon the international community to support the national efforts of the Democratic Republic of the Congo and its institutions with a view to improving the situation of human rights and to respond to its requests for technical assistance,

Taking note of the report of the United Nations High Commissioner for Human Rights, submitted to the Human Rights Council in accordance with its resolution 33/29, on the situation of human rights in the Democratic Republic of the Congo and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo,[1]

Welcoming the progress made by the Democratic Republic of the Congo, in particular at the institutional and legislative levels, with the adoption by the Senate of an act relating to the protection and responsibility of human rights defenders and the creation of

[1] A/HRC/36/34.

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an interministerial committee responsible for monitoring the implementation of the Convention on the Rights of Persons with Disabilities,

Deeply concerned about the continued violations of civil and political rights, particularly the freedoms of expression and peaceful assembly, committed by State actors in the context of important electoral events,

Deeply concerned also about the humanitarian consequences of the violence affecting civilian populations, particularly children and women, which have led to the internal displacement of more than 3.8 million people inside the country and 7.3 million people in need of humanitarian assistance,

Recognizing the important role of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo in documenting human rights violations and in improving the situation of human rights in the country,

Noting the efforts made in the region, in particular by the Southern African Development Community, the African Union, the International Conference on the Great Lakes Region and the Economic Community of Central African States aimed at contributing to peace and stability in the Democratic Republic of the Congo,

Noting the progress made in the fight against impunity for sexual violence and for access to justice for victims, including through the establishment by the Office of the Personal Representative of the Head of State tasked with fighting sexual violence and the recruitment of children, a helpline for victims of sexual violence that contributes to the fight against impunity, and the adoption by the Government of an plan of action for the national police to fight against sexual violence and to ensure the protection of children,

Noting also the efforts of the Democratic Republic of the Congo to implement its commitments under the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, signed in Addis Ababa on 24 February 2013,

1. *Condemns unequivocally* the acts of violence committed in some areas of the country, and all those perpetrating them;

2. *Notes* the efforts made by the Government of the Democratic Republic of the Congo to bring perpetrators to justice, and welcomes the convictions already pronounced;

3. *Emphasizes* the individual responsibility of all stakeholders to act in strict compliance with the rule of law and human rights, and urges all stakeholders to reject all violence;

4. *Encourages* the Government of the Democratic Republic of the Congo to respect, protect and guarantee all human rights and fundamental freedoms for all, in accordance with the State's international obligations, and to respect the rule of law;

5. *Recalls* that the Government of the Democratic Republic of the Congo bears the primary responsibility to protect all civilians within its territory, and urges it to exercise maximum restraint and proportionate lawful use of force in its efforts to restore order, in accordance with international law;

6. *Reaffirms* its strong commitment to respect fully the principles of non-interference in the internal affairs of States and to the full respect for the sovereignty, independence, unity and territorial integrity of the Democratic Republic of the Congo;

7. *Encourages* the Government of the Democratic Republic of the Congo to intensify its efforts to put an end to violence on its territory, with the support of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo within its mandate;

6. *Also encourages* the Government to continue actively its efforts, with the support of the international community, to end impunity for the perpetrators of these grave violations of human rights and international humanitarian law, and to ensure that victims of such crimes receive adequate reparation;

9. *Welcomes* the efforts made by regional organizations, including the African Union and the Southern African Development Community, to defuse tension in the Democratic Republic of the Congo and to promote inclusive dialogue in the implementation of the political agreement of 31 December 2016;

10. *Underlines* the centrality of the agreement of 31 December 2016 and the necessity of its full implementation, to pave the way for the timely holding of free, fair, peaceful and credible elections in the Democratic Republic of the Congo, and urges Congolese stakeholders to redouble their efforts to prepare for the timely holding of free, fair, peaceful and credible presidential and legislative elections, in accordance with the provisions of the agreement of 31 December 2016, and in parallel to take additional confidence-building measures, in accordance with the agreement, in order to create an environment conducive to the successful conclusion of the electoral process;

11. *Welcomes* the progress made by the Independent National Electoral Commission in the registration of almost 98 per cent of estimated eligible voters, the logistical support afforded by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo in carrying out this exercise, and the initiation of the registration process of voters in the province of Central Kasai, which commenced on 4 September 2017;

12. *Urges* the Independent National Electoral Commission, in consultation with the National Council for Oversight of the Agreement and the Government of the Democratic Republic of the Congo, to assess objectively the entire election process in order to make public, as soon as possible, a realistic electoral calendar, in accordance with the agreement of 31 December 2016;

13. *Encourages* the Government of the Democratic Republic of the Congo to ensure that all citizens, regardless of their political affiliation, can participate freely in public affairs and that they fully enjoy their human rights and fundamental freedoms, in particular the freedoms of expression and peaceful assembly;

14. *Also encourages* the Government to ensure equitable political participation for all, and to create the conditions necessary for the holding of free, transparent, inclusive and peaceful elections without further delay, in particular in view of the legislative and presidential elections;

15. *Welcomes* the efforts made by the United Nations, the International Organization of la Francophonie and the European Union to ensure the credibility and the actualization of the electoral roll;

16. *Also welcomes* the launch in Kananga on 19 September 2017 by President Joseph Kabila Kabange of a forum on peace, reconciliation and development in the Grand Kasai;

17. *Invites* the Government of the Democratic Republic of the Congo to improve and increase the participation of women in the political and administrative domains, and notes with appreciation the legislative measures already taken in the framework of the amendments to the Family Code and of the law on the parity of men and women;

18. *Welcomes* the establishment by the Government of the Democratic Republic of the Congo of an interministerial commission to monitor the implementation of the Convention on the Rights of Persons with Disabilities in the context of the implementation

of its five-year (2016-2021) plan for the promotion and protection of the rights of disabled persons, adopted on 20 and 21 May 2016;

19. *Also welcomes* the enactment of a law, on 10 March 2017, amending the Code of Military Justice for the implementation of the Rome Statute, and notes the validation, in May 2017, of the plan of justice reform, prepared in accordance with the recommendations made at the conference convened in 2015 on the evaluation of justice sector reform;

20. *Encourages* the Government of the Democratic Republic of the Congo to provide greater protection for all political actors, members of civil society, journalists and human rights defenders during elections, and to ensure respect for all human rights;

21. *Stresses* the importance of releasing all persons detained arbitrarily, including human rights defenders and persons of different political affiliations, of transferring detainees from the National Intelligence Agency to regular detention centres, and of granting unlimited access by the United Nations Joint Human Rights Office to centres under the responsibility of the Agency, and in this respect calls upon the Government of the Democratic Republic of the Congo to fulfil promptly its commitment to eliminate Agency detention facilities;

22. *Requests* all stakeholders in the electoral process to reject all forms of violence and to abstain from any discourse inciting racial, tribal or ethnic hatred;

23. *Calls upon* the Government and all relevant institutions of the Democratic Republic of the Congo to take all additional measures necessary to prevent all violations of international humanitarian law and abuses of human rights in the Democratic Republic of the Congo, and to conduct thorough investigations into all acts of violence and violations of international humanitarian law and abuses of human rights so that all perpetrators, whatever their affiliation, are brought to justice;

24. *Emphasizes* the individual responsibility of all stakeholders, including State officials, and leaders of the political parties of the government majority and the opposition, to act in strict compliance with the rule of law and human rights;

25. *Encourages* the Government of the Democratic Republic of the Congo to continue in its commitment to its cooperation with the Office of the United Nations High Commissioner for Human Rights, the United Nations Joint Human Rights Office, and the Human Rights Council and its special procedures;

26. *Commends* the Democratic Republic of the Congo for the establishment and operationalization of the National Human Rights Commission, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

27. *Notes with appreciation* the progressive operationalization of the National Human Rights Commission, welcomes the adoption of its five-year strategic plan and the release of its first annual report, and calls upon the Government to ensure that the Commission is independent, including with regard to its funding, so as to ensure full compliance with the Paris Principles;

28. *Encourages* the Government of the Democratic Republic of the Congo to maintain and strengthen the momentum of the efforts made to reform the army, the police and the security services;

29. *Also encourages* the Government to maintain and strengthen its efforts to pursue the reform of the security sector and of the judicial system, including by establishing the remaining superior courts of appeal, and to reform and strengthen its penitentiary system;

30. *Further encourages* the Government to take appropriate measures to ensure the smooth functioning of all implementing agencies of human rights, including the human rights liaison unit, the National Human Rights Commission, the interministerial committee on human rights, the national commission for the universal periodic review and the unit for the protection of human rights defenders;

31. *Welcomes* the appointment by the High Commissioner of Bacre Ndiaye, Luc Côté and Fatimata M'Baye as members of the team of international experts on the situation in the Kasai regions of the Democratic Republic of the Congo as mandated by the Human Rights Council in its resolution 35/33;

32. *Encourages* the Government to organize a forum on human rights, in particular on the impact of technical assistance by the international community to the Democratic Republic of the Congo;

33. *Requests* the Office of the High Commissioner to give an oral update on the situation of human rights in the Democratic Republic of the Congo to the Human Rights Council at its thirty-seventh and thirty-eighth sessions, in an enhanced interactive dialogue;

34. *Also requests* the Office of the High Commissioner to prepare a comprehensive report on the situation of human rights in the Democratic Republic of the Congo, including in the context of the electoral process, and to present it to the Human Rights Council at its thirty-ninth session in an enhanced interactive dialogue;

35. *Decides* to remain seized of the situation until its thirty-ninth session.

42nd meeting
29 September 2017

[Adopted by a recorded vote of 45 to 1, with 1 abstention. The voting was as follows:

In favour:

Albania, Bangladesh, Belgium, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Croatia, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Georgia, Germany, Ghana, Hungary, India, Indonesia, Iraq, Japan, Kenya, Kyrgyzstan, Latvia, Mongolia, Netherlands, Nigeria, Panama, Paraguay, Philippines, Portugal, Qatar, Rwanda, Saudi Arabia, Slovenia, South Africa, Switzerland, Togo, Tunisia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of)

Against:

United States of America

Abstaining:

Republic of Korea]

United Nations A/HRC/RES/36/31

General Assembly

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3 October 2017

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Human Rights Council
Thirty-sixth session
11–29 September 2017
Agenda item 10

Resolution adopted by the Human Rights Council on 29 September 2017

36/31. Human rights, technical assistance and capacity-building in Yemen

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and the provisions of the Universal Declaration of Human Rights, and recalling relevant international human rights treaties,

Recognizing the primary responsibility of States to promote and protect human rights,

Recalling Security Council resolutions 2014 (2011) of 21 October 2011, 2051 (2012) of 12 June 2012 and 2140 (2014) of 26 February 2014, and Human Rights Council resolutions 18/19 of 29 September 2011, 19/29 of 23 March 2012, 21/22 of 27 September 2012, 24/32 of 27 September 2013, 27/19 of 25 September 2014, 30/18 of 2 October 2015 and 33/16 of 29 September 2016,

Recalling also Security Council resolution 2216 (2015) of 14 April 2015,

Welcoming the commitment of Yemeni political parties to complete the political transition process on the basis of the Gulf Cooperation Council initiative and its implementation mechanism, and emphasizing the need for the implementation of the recommendations made in the outcome document of the National Dialogue Conference, and to complete the drafting of a new Constitution,

Welcoming also the positive engagement of the Government of Yemen in the peace talks, its handling of the proposals made by the Special Envoy of the Secretary-General for Yemen, and encouraging it to continue its efforts to achieve peace and stability in Yemen,

Reiterating its strong support for the efforts of the Secretary-General and his Special Envoy to achieve the urgent resumption of peace negotiations, and recalling the need for all parties to the conflict to react in a flexible and constructive manner and without preconditions to these efforts, and to fully and immediately implement all provisions of relevant Security Council resolutions,

Taking note of the statement made by the President of the Security Council on 15 June 2017 on Yemen,[1]

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Yemen,

Recognizing that the promotion, protection and fulfilment of human rights are key factors in ensuring a fair and equal justice system and, ultimately, reconciliation and stability for the country,

Acknowledging that international human rights law and international humanitarian law are complementary and mutually reinforcing, and reaffirming that all efforts should be made to ensure the cessation of all violations and abuses of, and full respect for, international human rights law and international humanitarian law in armed conflicts,

Aware of reports by the Office for the Coordination of Humanitarian Affairs that the existing humanitarian emergency affects the enjoyment of social and economic rights, and calling upon the parties to the conflict to ensure that humanitarian aid is facilitated and not hindered,[2]

Concerned by the allegations of violations of international humanitarian law and of violations and abuses of human rights law in Yemen, including those involving grave violations against children, attacks on humanitarian workers, civilians and civilian infrastructure, including medical facilities and missions and their personnel, as well as schools, the prevention of access for humanitarian aid, the use of import and other restrictions as a military tactic, the severe restrictions on freedom of religion or belief, including for minorities, such as members of the Baha'i faith, and the harassment of and attacks against journalists and human rights defenders, including women human rights defenders,

Underlining the important role played by free media and non-governmental human rights organizations in contributing to an objective appraisal of the situation of human rights in Yemen,

Recalling the call of the Government of Yemen for an investigation into all cases of violations and abuses of human rights and the relevant calls made by the United Nations High Commissioner for Human Rights, while noting in this regard the release of an interim report by the National Commission of Inquiry in August 2017,

Noting the extensive work carried out by the National Commission of Inquiry and the significant challenges that it continues to face in carrying out independent comprehensive investigations into all alleged violations and abuses of human rights and alleged violations of international humanitarian law in Yemen, and encouraging the Yemeni public prosecution and judiciary to complete judicial proceedings for achieving justice and to hold those responsible of abuses and violations accountable as soon as possible,

Noting also the work carried out by the joint incident assessment team,

Taking note of the recommendations and conclusions made by the High Commissioner on the establishment of an independent international investigative mechanism to establish the facts and circumstances surrounding all alleged violations and

[1] S/PRST/2017/7.

[2] A/HRC/30/31, A/HRC/33/38 and A/HRC/36/33.

abuses of human rights and violations of international humanitarian law,[3] and taking note also of the statement and comments made by the Government of Yemen on the report,

1. *Condemns* the ongoing violations and abuses of human rights and violations of international humanitarian law in Yemen, including those involving the widespread recruitment and use of children by parties to the armed conflict, arbitrary arrests and detention, denial of humanitarian access and attacks on civilians and civilian objects, including medical facilities and missions and their personnel, as well as schools, and emphasizes the importance of accountability;

2. *Calls upon* all parties to the armed conflict to respect their obligations and commitments under applicable international human rights law and international humanitarian law, and in particular with regard to attacks against civilians and civilian objects, and to ensure humanitarian access to the affected population nationwide, including by lifting obstacles to the importation of humanitarian goods, reducing bureaucratic delays, resuming salary payments for civil servants and ensuring the full cooperation of the Central Bank of Yemen;

3. *Calls upon* all parties in Yemen to engage in the political process in an inclusive, peaceful and democratic way, ensuring the equal and meaningful participation and full involvement of women in the peace process;

4. *Demands* that all parties to the armed conflict end the recruitment and use of children and release those who have already been recruited, and calls upon all parties to cooperate with the United Nations for their reintegration into their communities, taking into consideration the relevant recommendations made by the Secretary-General in his report on children and armed conflict;[4]

5. *Calls upon* all parties in Yemen to implement fully Security Council resolution 2216 (2015), which will contribute to an improvement in the situation of human rights, and encourages all parties to reach a comprehensive agreement to end the conflict;

6. *Emphasizes* the commitments and obligations of the Government of Yemen to ensure respect for the promotion and protection of the human rights of all individuals within its territory and subject to its jurisdiction, and in that connection recalls that Yemen is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography thereto, the Convention on the Rights of Persons with Disabilities and the Convention relating to the Status of Refugees and the Protocol thereto, and looks forward to the Government continuing its efforts to promote and protect human rights;

7. *Calls upon* all parties to immediately release all Baha'i detained in Yemen due to their religious belief, to cease the issuance of arrest warrants against them and to cease the harassment to which they are subjected;

8. *Expresses deep concern* at the deteriorating humanitarian situation in Yemen, and expresses its appreciation to donor States and organizations working on improving that

[3] See A/HRC/36/33.

[4] A/70/836–S/2016/360.

situation and for their pledges to provide financial support for the Yemen humanitarian response plan for 2017;

9. *Invites* all bodies of the United Nations system, including the Office of the United Nations High Commissioner for Human Rights, and Member States to assist the transitional process in Yemen, including by supporting the mobilization of resources to tackle the consequences of the violence and the economic and social challenges faced by Yemen, in coordination with the international donor community and according to the priorities set by the Yemeni authorities;

10. *Acknowledges* the difficulty of the circumstances under which the National Commission of Inquiry operates, and that the continuation of the armed conflict and the continued violations and abuses of international human rights law and violations of international humanitarian law necessitate the continuation of the Commission's mandate, and the intensification of its work according to presidential decree No. 50 of 23 August 2017, and urges that its tasks be completed professionally, impartially and comprehensively;

11. *Urges* all parties to the armed conflict to take all the measures necessary to ensure effective, impartial and independent investigations into all alleged violations and abuses of human rights and alleged violations of international humanitarian law, in accordance with international standards, with a view to ending impunity;

12. *Requests* the High Commissioner to establish a group of eminent international and regional experts with knowledge on human rights law and the context of Yemen for a period of at least one year, renewable as authorized, with the following mandate:

(*a*) To monitor and report on the situation of human rights, to carry out a comprehensive examination of all alleged violations and abuses of international human rights and other appropriate and applicable fields of international law committed by all parties to the conflict since September 2014, including the possible gender dimensions of such violations, and to establish the facts and circumstances surrounding the alleged violations and abuses and, where possible, to identify those responsible.

(*b*) To make general recommendations on improving respect for and the protection and fulfilment of human rights, and to provide guidance on access to justice, accountability, reconciliation and healing, as appropriate;

(*c*) To engage with Yemeni authorities and all stakeholders, in particular relevant United Nations agencies, the field presence of the Office of the High Commissioner in Yemen, the authorities of the Gulf States and the League of Arab States, with a view to exchanging information and providing support for national, regional and international efforts to promote accountability for human rights violations and abuses in Yemen;

13. *Requests* the immediate operationalization of the mandate, and also requests the High Commissioner to appoint without delay the Group of Eminent International and Regional Experts, by no later than the end of 2017;

14. *Requests* the Group of Eminent International and Regional Experts to submit a comprehensive written report to the High Commissioner, by the time of the thirty-ninth session of the Human Rights Council, to be followed by an interactive dialogue;

15. *Encourages* all parties to the armed conflict in Yemen to extend full and transparent access and cooperation to the Group of Eminent International and Regional Experts;

16. *Requests* the Secretary-General and the High Commissioner to provide the full administrative, technical and logistical support necessary to enable the Group of Eminent International and Regional Experts to carry out its mandate;

17. *Requests* the High Commissioner to continue to provide substantive capacity-building, technical assistance, advice and legal support to enable the National Commission of Inquiry to complete its investigatory work, including to ensure that the National Commission investigates allegations of violations and abuses committed by all parties in Yemen and in line with international standards, and to submit its comprehensive report on alleged human rights violations and abuses in all parts of Yemen, in accordance with Presidential Decree No. (50) of 23 August 2017, as soon as it is available, and encourages all parties to the conflict in Yemen to extend full and transparent access and cooperation to the National Commission and the Office of the High Commissioner;

18. *Also requests* the High Commissioner to present to the Human Rights Council, at its thirty-seventh session, an oral update on the situation of human rights in Yemen and the development and implementation of the present resolution, and to present to the Council at its thirty-ninth session a report on the situation of human rights, including violations and abuses committed since September 2014, as well as on the implementation of technical assistance as stipulated in the present resolution.

42nd meeting
29 September 2017

[Adopted without a vote.]

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Resolution adopted by the Human Rights Council on 29 September 2017

36/32. Advisory services and technical assistance for Cambodia

The Human Rights Council,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as enshrined in the Charter of the United Nations, as reaffirmed in the Universal Declaration of Human Rights and in accordance with their respective obligations under the International Covenants on Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, and stressing that special procedure mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

Recalling further Human Rights Council resolution 30/23 of 2 October 2015 and other relevant resolutions,

Bearing in mind the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights,[1]

Recognizing that the tragic history of Cambodia requires special measures to ensure the protection of human rights and the non-return to the policies and practices of the past, as stipulated in the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,

Taking note of the new developments in Cambodia, especially the achievements and improvements in economic and cultural fields over recent years through its relevant national plans, strategies and frameworks,

[1] A/HRC/36/32.

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Welcoming the fact that the communal election of 4 June 2017 was held in a generally orderly and peaceful manner and that the election campaigns were largely incident-free,

1. *Reaffirms* the importance of the Extraordinary Chambers in the Courts of Cambodia as an independent and impartial body, and believes it will significantly contribute to eradicating impunity and establishing the rule of law by, inter alia, exploiting its potential as a model court of Cambodia;

2. *Welcomes* the progress made with regard to the Extraordinary Chambers in the Courts of Cambodia, including the delivery of the verdict of the Supreme Court Chamber in case 002/01 against former senior leaders of Democratic Kampuchea, Nuon Chea and Khieu Samphan, who after appeals were found guilty of crimes against humanity and sentenced to life imprisonment on 23 November 2016, and supports the position of the Government of Cambodia and the United Nations to proceed with the tribunal in a fair, efficient and expeditious manner, given the further advanced age and frail health of the persons charged and the long overdue justice for the people of Cambodia;

3. *Expresses continued concern* over the financial situation of the Extraordinary Chambers, urges the Government of Cambodia to work with the United Nations and the States providing assistance to ensure the highest standards of administration of the Extraordinary Chambers, stresses the need for the Government and the international community to provide all appropriate assistance to the Extraordinary Chambers, and also stresses the importance of efficient and sustainable management of financial resources by the Extraordinary Chambers;

4. *Calls upon* the Government of Cambodia to transfer the knowledge and share the good practices of the court officials at the Extraordinary Chambers;

5. *Welcomes* the positive engagement of the Government of Cambodia in the second universal periodic review process and its acceptance of most of the recommendations made therein and the progress so far on their implementation;

6. *Welcomes* the reports of the Special Rapporteur on the situation of human rights in Cambodia[1] and the recommendations contained therein, also welcomes the conclusion in December 2016 of a new memorandum of understanding for the implementation of a technical cooperation programme on human rights between the Government of Cambodia and the field office in Phnom Penh of the Office of the United Nations High Commissioner for Human Rights to extend the mandate of that office for another two years, takes note of the need to maintain close and respectful consultations between the Government of Cambodia and the Special Rapporteur towards further improvements in the situation of human rights in the country and for the continued technical cooperation between the Office of the High Commissioner and the Government, and encourages the Special Rapporteur and the field office in Phnom Penh to continue to exchange information in order to assist in the effective implementation of their respective mandates, bearing in mind their independence;

7. *Encourages* the enhancement of cooperation between the Government of Cambodia and the Office of the High Commissioner, as specified in the memorandum of understanding between the Government and the field office in Phnom Penh of the Office of High Commissioner, and calls upon the Government to implement the recommendations made by the Special Rapporteur, taking into account the national context of Cambodia;

[1] A/HRC/27/70, A/HRC/30/58, A/HRC/33/62 and A/HRC/36/61.

6. *Reaffirms* the need for the Government of Cambodia to strengthen efforts to consolidate and abide by the rule of law, including through the adoption, amendment and further implementation of essential laws and codes for establishing a democratic society and an independent judiciary;

9. *Notes* the efforts and progress made by the Government of Cambodia in promoting legal reform under the leadership of the Council of Legal and Judicial Reform, including enforcing basic laws, such as the civil procedure code, the civil code, the criminal procedure code and the penal code;

10. *Also notes* the implementation of three fundamental laws on the judiciary, namely the Law on the Statute of Judges and Prosecutors, the Law on the Organization and Functioning of the Courts and the amendment to the Law on the Organization and Functioning of the Supreme Council of the Magistracy, and urges the Government of Cambodia to continue further its efforts at judicial reform, including through the fair, effective and transparent application of these laws;

11. *Stresses* the need for the Government of Cambodia to continue to enhance its efforts to investigate urgently and to prosecute, in accordance with due process of law and its obligations under international human rights treaties, all those who have perpetrated serious crimes, including violations of human rights, expresses deep concern over the death of the political analyst on 10 July 2016 and the chilling effect this has had on civil society and independent voices in Cambodia, calls upon the authorities of Cambodia to launch a full and transparent probe into those cases, and stresses the importance of a full independent judicial process under the Cambodia courts of law;

12. *Notes* the efforts made by the Government of Cambodia in combating corruption, encourages the implementation of the penal code and the anti-corruption law, and also encourages the Government to continue other such efforts, including through the activities of the Anti-Corruption Unit;

13. *Welcomes* the efforts made by the Government of Cambodia in combating crimes, such as trafficking in persons, the exploitation of labour and the sexual exploitation of women and children, and urges the Government to make further efforts to this end, in concert with the international community, to combat outstanding key problems in this area;

14. *Takes note* of the latest findings regarding gender-based issues in Cambodia, and encourages the Government of Cambodia to strengthen its efforts on gender-based issues, including by effectively enforcing existing laws and regulations;

15. *Encourages* the Government of Cambodia to continue implementing its five-year strategy for gender equality, promoting women's economic, social and political empowerment, including their participation in decision-making processes, and the expansion of women's economic benefits through improved working conditions, social protection and labour standards;

16. *Also encourages*, in this context, the Government of Cambodia to monitor the implementation of the 2001 Land Law, including regarding specific obstacles to women and vulnerable groups in obtaining land ownership and rights;

17. *Notes* the efforts made by the Government of Cambodia to resolve land issues, inter alia, through the implementation of relevant laws and regulations, including a moratorium on economic land concessions and systematic land registration, expresses concern at the outstanding issues in this area, and urges the Government to continue and enhance its efforts to resolve them equitably and expeditiously in a fair and open manner, taking into consideration the rights of and the actual consequences for the parties concerned and in accordance with relevant laws and regulations, such as the Land Law, the Law on Expropriation, the Circular on the Settlement of Illegal Temporary Building in Cities and

Urban Areas and the National Housing Policy, and by strengthening the capacity and effectiveness of relevant institutions, such as the National Authority for Land Dispute Resolution and cadastral committees at the national, provincial and district levels;

18. *Also notes* the commitments made and the progress achieved by the Government of Cambodia in implementing its obligations under international human rights treaties and conventions to which it is a party, and urges the Government to continue to take steps to meet its obligations under those treaties and conventions, and to this end to strengthen its cooperation with United Nations agencies, including the Office of the High Commissioner, through enhanced dialogue and the development of joint activities;

19. *Further notes* the commitment of the Government of Cambodia to establish a national human rights institution, and urges that this be done in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and upon sufficient consultation with relevant stakeholders;

20. *Welcomes* the efforts made by the Cambodian Human Rights Committee, especially in resolving complaints from individuals;

21. *Also welcomes* the efforts and progress made by the Government of Cambodia in promoting decentralization and deconcentration reforms with the aim of achieving democratic development by strengthening subnational and grass-roots institutions;

22. *Expresses serious concern* over the recent deterioration of the civil and political environment in Cambodia due to the chilling effects of judicial prosecutions and other actions against members of political parties, civil society and the media, in particular the recent arrest and detention of Kem Sokha, a political opposition leader, and calls upon all parties, inter alia, the ruling party, to work together towards de-escalating the tensions and building trust and confidence by restoring dialogue with relevant stakeholders in the country, and calls upon the Government of Cambodia to guarantee the right to freedom of expression and association and to fulfil its accountability for the cases concerned;

23. *Expresses concern* about the restrictions imposed on the media, civil society and political parties and the negative impact of the Law on Associations and Non-Governmental Organizations and the amendments of 28 February and 10 July 2017 to the Law on Political Parties, urges the Government of Cambodia to make continuous efforts to ensure an environment conducive to the conduct of political activities by all political parties under democratic principles and the rule of law, and to make further efforts to improve its electoral system in accordance with international standards so that its election process as a whole is satisfactory and acceptable to all parties concerned, and calls upon the Government to take steps to ensure that the elections set to be held in July 2018 do so in an open and fair manner;

24. *Notes with concern* that the 2017 amendments to the Law on Political Parties could lead to an arbitrary restriction on the activities of political parties, encourages all stakeholders to promote a peaceful democratic process under the rule of law and adherence to a system of pluralistic liberal democracies through the participation of all elected representatives in parliamentary debate, in accordance with the Constitution, and calls upon the Government of Cambodia to ensure the protection of parliamentary immunity for this purpose;

25. *Urges* the Government of Cambodia to take appropriate measures to encourage and enable civil society, including independent trade unions and media, to play a constructive role in consolidating democratic development in Cambodia, including by

ensuring and promoting their activities and to promoting equal access to the media by all parties,

26. *Notes* the large presence of more than 5,000 entities operating associations and non-governmental organizations, and *urges* the Government of Cambodia to further take account of the interests and concerns of all stakeholders in enacting and/or implementing various laws and measures that may affect the activities of civil society, in particular, the Law on Associations and Non-Governmental Organizations, in order to further nurture a vibrant civil society, and to protect and ensure freedom of speech, association and peaceful assembly in accordance with the Constitution and the International Covenant on Civil and Political Rights;

27. *Encourages* the Government of Cambodia to continue to take action to promote the rights and dignity of all Cambodians by protecting civil and political rights, including freedom of opinion and expression, and to this end to ensure that all laws are interpreted and applied in a judicious manner so as to promote economic, social and cultural rights in accordance with the rule of law;

28. *Invites* the Secretary-General, agencies of the United Nations system present in Cambodia and the international community, including civil society, to continue to work with the Government of Cambodia to strengthening democracy and ensuring the protection and promotion of the human rights of all people in Cambodia, including by providing assistance in the fields of:

(a) Drafting laws and ensuring the establishment of an independent national human rights institution;

(b) Capacity-building to strengthen legal institutions, including by improving the quality and independence of judges, prosecutors, lawyers and court staff, and drawing on the expertise gained by Cambodian nationals working in the Extraordinary Chambers in the Courts of Cambodia;

(c) Capacity-building to strengthen national institutions for criminal investigations and law enforcement, as well as providing the equipment necessary for these ends;

(d) The implementation of accepted universal periodic review recommendations;

(e) Assessing the assessment of progress in human rights issues;

29. *Decides* to extend for two years the mandate of the Special Rapporteur on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of her mandate to the Human Rights Council at its thirty-ninth and forty-second sessions, and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;

30. *Requests* the Secretary-General to report to the Human Rights Council at its forty-seventh and forty-second sessions on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights;

31. *Decides* to continue its consideration of the situation of human rights in Cambodia at its forty-second session.

42nd meeting
29 September 2017

[Adopted without a vote.]